

NINETEENTH DAY

Friday, February 19, 2016

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 12:07 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Derek S.K. Kawakami, after which the Roll was called showing all Members present with the exception of Representative Nakashima, who was excused.

Representative Ward: "Mr. Speaker, in view of Justice Scalia laying in the rotunda of the Supreme Court, I think it's appropriate that we have a moment of silence, if we may, for Justice Antonin Scalia, who just passed away."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Antonin Scalia, Associate Justice of the Supreme Court of the United States.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Seventeenth and Eighteenth Days was deferred.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 23) was received and announced by the Clerk:

Sen. Com. No. 23, transmitting S.B. No. 2552, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," which passed Third Reading in the Senate on February 18, 2016.

On motion by Representative Evans, seconded by Representative Pouha and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Nakashima and Tokioka were excused.)

S.B. No. 2552, SD 1

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

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

"Thank you, Mr. Speaker. The Hawaiian word for today is *ho'olohe*, to listen or to hear. *E ho'olohe mai i nā mea e pono ai 'o nā kanaka*. Listen to the needs of the people. Thank you."

INTRODUCTIONS

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

Representative Har, on behalf of Representative Luke and herself, introduced members of the Gwangju City Council of the Republic of Korea: Chairperson So Misoon, Chairman Yu Jiho, Councilmember Sul Eh Kyung, Councilmember Lee Moon Sub, Committeeman Yu Jae Weon, and Chief Aide Hwang Tae Sun.

Representative Belatti, on behalf of the Big Island delegation, introduced from St. Joseph School in Hilo: Athletic Director, Renee Martin; Head Coach, Mike Scanlan; Assistant Coach, Bruce Lee; members of the Boys Basketball Team and 2016 Big Island Interscholastic Federation Boys Division II Basketball Champions: Jakob Au, Chris Correa, Keahi Costa, Cole DeSilva, Manato Fukuda, Aka Herring, Phillip Kim, Titus Liu, Raycen Lum, Kaena Nahoopii, Ruka Suda and Alan Wu; and

Cheerleaders: Kanna Amano, Cienna Corpuz, Keya Davies, Alyssa Faletoi, Streisand Galdones and Rio Hamaya. They were accompanied by her brother, Dean Au; his wife, Janelle Au; their son, Jakob Au; their daughters, Isabelle, Rylee and Basil Au; and her mother, Linda Au.

Representative San Buenaventura also recognized her constituent, Mr. Dean Au.

Representative Tupola introduced supporters of the Department of Hawaiian Home Lands: Mr. Demont Connors, Ms. Momi Ho'ohuli, Uncle Black Ho'ohuli and Mr. Jeremy Hopkins.

Representative DeCoite introduced Ms. Jobie Masagatani, Director, Department of Hawaiian Home Lands; and DHHL homesteaders.

Representative Jordan introduced her constituent, Ms. Niniou Simmons.

Representative Keohokalole introduced his friends with DHHL: Mr. Blaine Fergstrom, Ms. Susan Richey and Mr. Bob Freitas; and Mr. John Ching, OHA.

Representative Kawakami wished his daughter Hailey a happy birthday, and encouraged the Members of the House to do the same.

At 12:19 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

Representative LoPresti introduced his wife, Julia LoPresti, 2010 Central District Teacher of the Year; daughter, Nina LoPresti; and his Office Manager, Charles Izumoto.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 479-16) recommending that H.B. No. 2744, 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. 2744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 480-16) recommending that H.B. No. 2486, HD 1, as amended in HD 2, 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. 2486, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 481-16) recommending that H.B. No. 2540, 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 Committees was adopted and H.B. No. 2540, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," passed Second Reading and was referred to the

Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 482-16) recommending that H.B. No. 2343, 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 Committees was adopted and H.B. No. 2343, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 483-16) recommending that H.B. No. 2345 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 Committees was adopted and H.B. No. 2345, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED NURSE AIDES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Nishimoto, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 484-16) recommending that H.B. No. 1787, 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. 1787, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"No vote, and comments from the previous speech regarding this measure inserted into the Journal," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1787, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Nishimoto, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 485-16) recommending that H.B. No. 1595, 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. 1595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE TESTIMONY," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Nishimoto, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 486-16) recommending that H.B. No. 2542, HD 1 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. 2542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 487-16) recommending that H.B. No. 1516 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1516 be referred to the Committee on Finance, seconded by Representative Evans.

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

"With reservations. And again, the issue is the nexus of the fines. Thank you."

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

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

Representative Har 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. 1516, entitled: "A BILL FOR AN ACT RELATING TO ASSESSMENT OF THE INTERNET CRIMES AGAINST CHILDREN FEE AGAINST CRIMINAL DEFENDANTS," was referred to the Committee on Finance, with Representatives Har, Jordan, McDermott and Tupola voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 488-16) recommending that H.B. No. 2359, 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. 2359, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen 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. 2359, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH PROCEDURES," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 489-16) recommending that H.B. No. 2468, HD 1, as amended in HD 2, 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. 2468, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII DOMESTIC RELATIONS ORDERS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490-16) recommending that H.B. No. 1111, HD 1 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. 1111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491-16) recommending that H.B. No. 1662 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. 1662, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492-16) recommending that H.B. No. 2115, HD 1 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. 2115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 493-16) recommending that H.B. No. 2135, HD 1 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. 2135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 494-16) recommending that H.B. No. 2395 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. 2395 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

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

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

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

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

Representative Har 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:

"Reservations and just a quick explanation why. I think this is bordering on very dangerous grounds, *vis-à-vis* privacy, and I've always been a very big libertarian in that area. Thank you."

Representative San Buenaventura 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. 2395, entitled: "A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF TAX RETURN INFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives DeCoite, Ichihama, Jordan, Kawakami, McKelvey, Morikawa, San Buenaventura and Tupola voting aye with reservations, with Representatives Choy, Har, Oshiro and Ward voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 495-16) recommending that H.B. No. 1144, 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. 1144, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE RIGHTS OF VICTIMS OF CRIME," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 496-16) recommending that H.B. No. 1669, 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. 1669, HD 1 be referred to the Committee on Finance, 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, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 497-16) recommending that H.B. No. 1955, 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. 1955, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY TECHNICIANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 498-16) recommending that H.B. No. 2301, HD 1, as amended in HD 2, 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. 2301, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII GREEN INFRASTRUCTURE AUTHORITY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 499-16) recommending that H.B. No. 1756, HD 1, as amended in HD 2, 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. 1756, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 500-16) recommending that H.B. No. 2324, 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. 2324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 501-16) recommending that H.B. No. 2570, HD 1 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. 2570, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY MODERNIZATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 502-16) recommending that H.B. No. 2333 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. 2333, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 503-16) recommending that H.B. No. 1705 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. 1705, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 504-16) recommending that H.B. No. 370, 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. 370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PROPERTY INSURANCE ASSOCIATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 505-16) recommending that H.B. No. 1897, HD 1 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. 1897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE OF HEALTH SCREENINGS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 506-16) recommending that H.B. No. 2364 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. 2364, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen 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. 507-16) recommending that H.B. No. 2277, HD 1 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. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen 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. 508-16) recommending that H.B. No. 2755, 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. 2755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCIDENT RESPONSE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 509-16) recommending that H.B. No. 1649, 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. 1649, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I need to disclose a potential conflict of interest. My wonderful and beautiful wife who I love works for the Judiciary. Thank you, Mr. Speaker," 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. 1649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 510-16) recommending that H.B. No. 2066, 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. 2066, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FUNDS," passed Second Reading and was referred to the Committee on

Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 511-16) recommending that H.B. No. 2252, HD 1 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. 2252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCHARGE PLANNING," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 512-16) recommending that H.B. No. 2555, 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. 2555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 513-16) recommending that H.B. No. 2558 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. 2558, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 514-16) recommending that H.B. No. 1892 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. 1892, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 515-16) recommending that H.B. No. 1731, 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. 1731, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 516-16) recommending that H.B. No. 1794 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. 1794, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 517-16) recommending that H.B. No. 1689, 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. 1689, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 518-16) recommending that H.B. No. 1823, 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. 1823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 519-16) recommending that H.B. No. 2148 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2148 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"With reservations, please, because of the safe harbor language. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2148, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 520-16) recommending that H.B. No. 1556, HD 1 be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1556, HD 1 be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"In support. 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. 1556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 521-16) recommending that H.B. No. 1685, HD 1 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. 1685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 522-16) recommending that H.B. No. 1949, 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. 1949, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 523-16) recommending that H.B. No. 2676, HD 1, as amended in HD 2, 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. 2676, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 524-16) recommending that H.B. No. 2492, HD 1, as amended in HD 2, 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. 2492, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 525-16) recommending that H.B. No. 1801, HD 1, as amended in HD 2, 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. 1801, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 526-16) recommending that H.B. No. 2240, 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. 2240, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY AT THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 527-16) recommending that H.B. No. 2519, 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. 2519, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLEGE SAVINGS PROGRAM TAX DEDUCTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 528-16) recommending that H.B. No. 2400 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. 2400, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SHIPPING LABELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 529-16) recommending that H.B. No. 2403 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. 2403, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL ADVISORY BOARD," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 530-16) recommending that H.B. No. 2086, 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. 2086, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 531-16) recommending that H.B. No. 2746, 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. 2746, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR LOLLYGAGGING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 532-16) recommending that H.B. No. 2490, HD 1 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. 2490, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 533-16) recommending that H.B. No. 2484 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. 2484, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 534-16) recommending that H.B. No. 1361, 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. 1361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 535-16) recommending that H.B. No. 1831 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. 1831, entitled: "A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 536-16) recommending that H.B. No. 2723, 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. 2723, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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. 2723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representative McDermott voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 537-16) recommending that H.B. No. 2340 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. 2340, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 538-16) recommending that H.B. No. 2344, 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. 2344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 539-16) recommending that H.B. No. 2585, 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. 2585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JURY DUTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 540-16) recommending that H.B. No. 2717 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. 2717 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on HB 2717. Currently under the Hawaii Medicaid program, Med-QUEST, annual adjustments are already allowed for and adjustments are made to the medical assistance standard using the federal poverty level and for the last two years has been increased. So if this is the case, no further legislation is needed as requested by this measure, hence my reservation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2717, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 541-16) recommending that H.B. No. 2131, 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. 2131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 542-16) recommending that H.B. No. 2169, as amended in HD 1, 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. 2169, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, asking for a ruling of a potential conflict. I am currently available and, if ever willing to take the exam, qualify to take the LCSW. 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. 2169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 543-16) recommending that H.B. No. 2282, 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. 2282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 544-16) recommending that H.B. No. 2349 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. 2349, entitled: "A BILL FOR AN ACT RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 545-16) recommending that H.B. No. 2749, HD 1, as amended in HD 2, 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. 2749, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WASTE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 546-16) recommending that H.B. No. 2260, 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. 2260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 547-16) recommending that H.B. No. 2233, 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. 2233, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROFESSIONALS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 548-16) recommending that H.B. No. 1753, HD 1, as amended in HD 2, 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. 1753, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 549-16) recommending that H.B. No. 2649, 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. 2649, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

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

"I need to disclose a potential conflict of interest. I am a shareholder of Hawaiian Electric stock. Thank you very much," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. Potential conflict. I am a shareholder of Hawaiian Electric Corporation. Thank you very much," and the Chair ruled, "no conflict."

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

"Mr. Speaker, same request. 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. 2649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 550-16) recommending that H.B. No. 2523, 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. 2523, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I am not familiar with the bill, but just in an abundance of caution, same request to disclose a potential conflict of interest, because I own stock in Hawaiian Electric. Thank you. But I did ask the Chair of EEP to next time let me know what bills I might want to stand on and ask for the body's indulgence. Thank you," and the Chair ruled, "no conflict."

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

"So, in that case, Mr. Speaker, may I please indulge possibly a conflict of interest on this measure as the previous Representative. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

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

"Mr. Speaker, same request. Thank you," and the Chair ruled, "no conflict."

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

"Ruling on a potential conflict. I sit on a homeowners' association. Thank you," and the Chair ruled, "no conflict."

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

"Ruling on a potential conflict. I also sit on a homeowners' association board. Thank you, sir," and the Chair ruled, "no conflict."

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

"Same, Mr. Speaker. Thank you," and the Chair ruled, "no conflict."

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

"Same potential conflict. 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. 2523, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 551-16)

recommending that H.B. No. 1899, HD 1, as amended in HD 2, 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. 1899, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE OF CERTIFIED PROFESSIONAL MIDWIVES," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 552-16) recommending that H.B. No. 2543, as amended in HD 1, 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. 2543, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 553-16) recommending that H.B. No. 2582, as amended in HD 1, 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. 2582, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 554-16) recommending that H.B. No. 2424, as amended in HD 1, 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. 2424, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOSECURITY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 555-16) recommending that H.B. No. 2076, 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. 2076, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, again to disclose a potential conflict of interest. I am a shareholder in Hawaiian Electric stock. Thank you," and the Chair ruled, "no conflict."

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

"Mr. Speaker, potential conflict as the previous Representative," and the Chair ruled, "no conflict."

Representative Jordan continued, stating:

"And Mr. Speaker, could this conflict be a ruling for the rest of the day? Thank you," and the Chair "so ordered."

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

"Mr. Speaker, I have the same request, but I'd like it if you could rule for the rest of the session. Thank you."

The Chair addressed Representative Onishi, stating:

"For the rest of the session, yes. Thank you for your disclosure. No conflict for the rest of the session."

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

"Same request," and the Chair "so ordered."

At 12:44 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

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

"Mr. Speaker, I am a shareholder with Maui Electric and want to declare a potential conflict," and the Chair ruled, "no conflict."

Representative Souki continued, stating:

"And I would want for this potential conflict to be for the whole session. And I would wish for the Members who also with Hawaiian Electric would join me and this would be also for the whole session, for all Members that have stockholding at Hawaiian Electric. Thank you," and the Chair "so ordered."

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

"Same request," 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. 2076, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WHEELING," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 556-16) recommending that H.B. No. 2704, HD 1, as amended in HD 2, 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. 2704, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CROWDFUNDING," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 557-16) recommending that H.B. No. 2539, HD 1, as amended in HD 2, 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. 2539, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 558-16) recommending that H.B. No. 2080, 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. 2080, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

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

"I would like to have a ruling on a conflict. I own an electric vehicle. I would like to have that ruling also last for the rest of the session. Thank you."

The Chair addressed Representative San Buenaventura, stating:

"Thank you for your disclosure. No conflict, 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. 2080, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL CELL ELECTRIC VEHICLES," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 559-16) recommending that H.B. No. 2042, 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. 2042, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 560-16) recommending that H.B. No. 2648, 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. 2648, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD WASTE DISPOSAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 561-16) recommending that H.B. No. 1853, 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. 1853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 562-16) recommending that H.B. No. 2728, 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. 2728, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 563-16) recommending that H.B. No. 2435, 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 Committees was adopted and H.B. No. 2435,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONTAMINATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 564-16) recommending that H.B. No. 2198, 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. 2198, HD 1 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 with reservations, stating:

"Mr. Speaker, I normally don't speak on special purpose revenue bonds, but this one has caused some concern in my community. For just for right now, with reservations."

Representative Ing 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. 2198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR UKUMEHAME RESERVOIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ing and McKelvey voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 565-16) recommending that H.B. No. 2675, 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. 2675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RAPID OHIA DEATH," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 566-16) recommending that H.B. No. 2729, 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. 2729, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 567-16) recommending that H.B. No. 2456, 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. 2456, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY CERTIFICATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 568-16) recommending that H.B. No. 502, as amended in HD 1, 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. 502, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Yamane and McKelvey, for the Committee on Water & Land and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 569-16) recommending that H.B. No. 1840, 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 Committees was adopted and H.B. No. 1840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUNSET MEMORIAL PARK," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 570-16) recommending that H.B. No. 2054, 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. 2054, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 571-16) recommending that H.B. No. 2678, 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. 2678, HD 1, entitled: "A BILL FOR AN ACT RELATING TO URBAN RENEWAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 572-16) recommending that H.B. No. 2300, 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. 2300, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 573-16) recommending that H.B. No. 2646, HD 1 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. 2646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 574-16) recommending that H.B. No. 2044, 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. 2044,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 575-16) recommending that H.B. No. 2043, 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. 2043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Yamane and Tsuji, for the Committee on Water & Land and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 576-16) recommending that H.B. No. 2038, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2038, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA+ CHALLENGE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 577-16) recommending that H.B. No. 2569, HD 1 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. 2569, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 578-16) recommending that H.B. No. 1706, as amended in HD 1, 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. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 579-16) recommending that H.B. No. 1716 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. 1716, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 580-16) recommending that H.B. No. 2431, 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. 2431, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 581-16) recommending that H.B. No. 1228, HD 1 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. 1228, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LEADERS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 582-16) recommending that H.B. No. 1741, 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. 1741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 583-16) recommending that H.B. No. 1937, HD 1, as amended in HD 2, 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. 1937, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PSYCHOLOGISTS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 584-16) recommending that H.B. No. 2274, 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. 2274, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL LOAN REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 585-16) recommending that H.B. No. 1869, 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. 1869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ROSE-RINGED PARAKEET," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 586-16) recommending that H.B. No. 2595, 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. 2595, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE AND APPROPRIATION OF GENERAL OBLIGATION BONDS FOR AGRICULTURE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 587-16) recommending that H.B. No. 2548, as amended in HD 1, 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. 2548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

ANAHOLA HAWAIIAN HOMES ASSOCIATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 588-16) recommending that H.B. No. 2596 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. 2596, entitled: "A BILL FOR AN ACT RELATING TO THE MACADAMIA FELTED COCCID," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 589-16) recommending that H.B. No. 2023, 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. 2023, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 590-16) recommending that H.B. No. 2078 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. 2078, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 591-16) recommending that H.B. No. 2375 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. 2375, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC MITIGATION BANKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 592-16) recommending that H.B. No. 2020, 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. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAUSES OF DECLINE IN LIMU AND REEF FISH," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 593-16) recommending that H.B. No. 2024, 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. 2024, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I stand with reservations. I, too, believe it would be more beneficial to engage in public outreach and training, to help ensure vessel operators and the general public utilizing the state near shore waters are aware of their responsibilities as well as their surroundings while on the water. A reactionary policy such as HB 2024, HD 1 may lead to inadvertent consequences if legislation isn't considered thoroughly."

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

Representative Tupola 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. 2024, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPELLER GUARDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Jordan, McDermott, Oshiro, Say and Tupola voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 594-16) recommending that H.B. No. 2563, 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. 2563, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Say 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. 2563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representative Say voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 595-16) recommending that H.B. No. 2025, 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. 2025, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 596-16) recommending that H.B. No. 2372, HD 1, as amended in HD 2, 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. 2372, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITY FOR OCEAN RECREATION AND COASTAL AREAS,"

was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 597-16) recommending that H.B. No. 1825, 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. 1825, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Ing and Yamane, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 598-16) recommending that H.B. No. 2035, 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 Committees was adopted and H.B. No. 2035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 599-16) recommending that H.B. No. 2698, 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. 2698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 600-16) recommending that H.B. No. 1932, 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. 1932, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my strong support for HB 1932, HD 1, which is an important first step to the Legislature fulfilling its responsibility under Article XII, Section 1 of the State Constitution by appropriating sufficient general funds for administration and operating expenses of DHHL.

"As an elected official, I took an oath to uphold the Constitution of the State of Hawaii, and cannot in good conscience continue to ignore the constitutional mandate upon this body to provide sufficient sums to DHHL for four purposes, one of which is administration and operating expenses.

"My district of Waianae has several residential and agricultural homestead communities that would be directly served by the passage of this bill. More importantly, the Supreme Court and Circuit Court's ruling in the Nelson case specifically quoted a longtime homesteader and respected *kupuna* of Waianae, Frenchy DeSoto, who explained the following: "The Committee on Hawaiian Affairs decided that its major goals [during the 1978 Constitutional Convention] were to identify the problems and concerns of native Hawaiians as they relate to the Hawaiian Homes Commission Act in Article XI of this State Constitution. It was apparent

that the identifiable problem areas were – first, that the DHHL – the Department of Hawaiian Home Lands – which provides a land base, has a monumental and eternal dilemma in funding. . . . The department must finance its own program through the general leasing of its lands. Incidentally, DHHL is the only one of 17 state departments which must fund itself. Therefore, land of any value through the years has been generally leased for revenue purposes.'

"Thus, the Circuit Court concluded that, 'Article XII, section 1 mandates that the legislature appropriate to the Department of Hawaiian Home Lands sufficient funding to meet the department's administrative and operating budget. When the department needs to use money from the use of Hawaiian home lands to pay its operating costs because of insufficient funding from the legislature, article XII, section 1 has been violated.'

"The use of DHHL special and trust funds as reported in the budget over the last several years that I've served on the House Finance Committee for administration and operating expenses is a violation of Article XII, Section 1. The State must at minimum provide a base budget for DHHL like they do for every other department in the State.

"This bill is a good start to appropriating funds for fiscal year 2016-2017 to reimburse DHHL administrative and operating costs, which were expended by DHHL special and trust funds for fiscal year 2016. In addition to the current fiscal year ending June 30, 2016, this body must address funding for next fiscal year. In fact, the Circuit Court specifically stated that, 'because the Department of Hawaiian Home Lands is the only department explicitly identified in the Hawaii State Constitution as being guaranteed a level of funding, the State cannot treat it just like every other department when it comes to making budget decisions.'

"This requires that we do more than the minimum of providing administration and operating expenses for this fiscal year, but we should also provide \$28 million for administration and operating expenses for next fiscal year and every year in each subsequent biennium budget.

"As my constituent and Waianae homesteader who provided written testimony highlighted, 'LET'S BE DONE WITH LEGAL CASES AND JUST DO THE RIGHT THING – TO INCLUDE \$28M FUNDING.'"

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

"Mr. Speaker, on Standing Committee Report No. 600-16, House Bill 1932, HD 1, strong support. Ask permission to submit written comments into the Journal. Thank you."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1932, House Draft 1. Specifically, this bill would appropriate general funds for fiscal year 2016-2017, to fulfill the State's responsibility under Article XII, Section 1 of the Constitution of the State of Hawaii (Constitution) to provide for 'sufficient sums' for the 'administration and operating budget of the department of Hawaiian home lands.'

"At the outset, I would like to thank the Majority Leader for his support on this bill.

"By unanimous consent, I assert that this House is in accord with the purpose and intent of this bill.

"I. NELSON V. HAWAIIAN HOMES COMMISSION

"The legal history that inevitably led to the November 27, 2015 Order issued by Judge Jeannette Castagnetti in *Nelson et. al. v. Hawaiian Homes Commission, et. al.*, Civil No. 07-1-1663-083, spanned a litigation life of nine (9) years, reaching both the Hawaii Intermediate Court of Appeals (ICA) and the Hawaii Supreme Court (Supreme Court), and remanded back to the Circuit Court. The case is presently still ongoing. Matters at issue in this case, however, are deeply rooted in modern Hawaiian history and law, the Hawaiian Homes Commission Act (HCCA), the 1959 Admissions Act and Statehood, the 1978 Constitutional Convention and General Election, and the Apology Act. As such, this case reflects the

ever-changing social and political climate of Hawaii. It is through this lens that one can better appreciate *Nelson's* significance and importance.

"For the Members' edification, please permit me to summarize the *Nelson* case as it might be helpful to my colleagues and the public to highlight the originating parties and factual background, and enumerate the legal issues and treatment thereof by the courts.

"The six original Plaintiffs in *Nelson* – Richard Nelson III, Kaliko Chun, James Akiona, Sr., Sherilyn Adams, Kelii Iaone, Jr., and Charles Aipia, all of whom are native Hawaiians and beneficiaries of the Hawaiian Homes Commission Act – filed their FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF in the Circuit Court of the First Circuit (First Circuit Court), State of Hawaii, on October 19, 2007. The lawsuit was instituted against multiple Defendants, including: the Hawaiian Homes Commission (Commission); the Department of Hawaiian Home Lands (DHHL); several Commission members in their official capacity; the State Director of Finance; and the State of Hawaii.

"It is noteworthy to mention that:

- (1) The Governor of the State of Hawaii at that time was the Honorable Linda Lingle;
- (2) Her Attorney General was Mark Bennett, Esq., who will later represent this House in its motion to submit an Amicus Curiae Brief; and
- (3) After the inception of this case, Plaintiffs Aipia and Akiona passed away.

"To continue, the Plaintiffs asserted that the State of Hawaii failed to sufficiently fund DHHL, and that its failure to do so violated the mandate found under Article XII, Section 1 of the Constitution, to be further discussed below.

"In addition, the Plaintiffs alleged that the DHHL Defendants had breached their fiduciary duties in failing to seek from the Legislature the funds necessary and sufficient to fulfill DHHL's obligations.

"The mandate set forth in Article XII, Section 1 of the Constitution provides in pertinent part:

The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law. [Emphasis added.]

"Prior to the Constitutional Amendment, the Legislature was given the unfettered discretion to fund DHHL as evidenced by language of the Constitution prior to 1978:

. . . The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law. [Emphasis added.]

"Accordingly, the Plaintiffs alleged in the FIRST AMENDED COMPLAINT:

[T]he Hawaiian Homes Commission, the Department of Hawaiian Home Lands and the State of Hawai'i have ignored this mandate. The State of Hawai'i has failed to provide sufficient funds to the Department of Hawaiian Home Lands to minimize the number and waiting time on its waiting lists for homesteads to a reasonable level. Instead of obtaining necessary funds from the Legislature, the

Hawaiian Homes Commission and the Department of Hawaiian Home Lands have continued to offer commercial leases to non-Hawaiian entities in order to raise revenue. This removal of Hawaiian Home Lands from use by beneficiaries of the Hawaiian Home Lands Trust, and the failure to seek sufficient funds[,] are breaches of the State Constitution and the trust. [Emphasis added. *See, Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii 185, 189-190, 277 P.3d 279, 283-284 (2012).]

"Plaintiffs cited, among other factors, the following uncontroverted facts as evidence in support of the State's failure to meet its constitutional mandate:

- (1) As of May 1983, there were 7,901 eligible beneficiaries on the waiting lists for Hawaiian homesteads;
- (2) There are currently over 20,000 people on the Hawaiian Home Lands waitlist;
- (3) Hundreds of native Hawaiians have been on the [DHHL's] waiting list for over three decades;
- (4) Until 1987, the State failed to appropriate a single dollar of general fund revenues, generated from its various general and special tax revenue sources, to pay for the operations and programs of the [DHHL] and its homesteading programs;
- (5) Over the past four fiscal years, the [DHHL] has awarded an average of fewer than six hundred leases to native Hawaiians annually; and
- (6) The length of the Hawaiian Homes waiting list has remained virtually unchanged since 2002. [*See, Nelson v. Hawaiian Homes Comm'n*, 124 Hawaii 437, 439-440, 246 P.3d 369, 371-372 (App. 2011).]

"The State Defendant then moved for SUMMARY JUDGMENT on September 10, 2008, arguing first that it had no obligation to fund DHHL at all. However, it claimed that the Court was barred by the political question doctrine from determining any issue asserting that the Legislature was obligated under Article XII, Section 1 and 2 of the Constitution to expend monies to DHHL. [*See, Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii at 191-192, 277 P.3d at 285-286.] The DHHL Defendants subsequently joined in the State's MOTION FOR SUMMARY JUDGMENT and argued that should the Court find that the funding issue was barred by the political question doctrine, the Court should likewise dismiss any claim that the DHHL breached a duty to the Plaintiffs by failing to request sufficient sums from the State. [*See, Id.*]

"On January 21, 2009, the First Circuit Court granted the State's MOTION FOR SUMMARY JUDGMENT, holding:

Although Plaintiffs raised allegations that were of concern to this Court, the Court finds that the political question doctrine bars justiciability of Plaintiffs' claims. There are no judicially discoverable and manageable standards for resolving the dispute over the definition and determination of "sufficient sums" under Article XII, Sections 1 and 2, of the Constitution of the State of Hawaii without making initial policy determinations of a kind clearly for nonjudicial discretion. [*See, Id.*]

"After the parties stipulated to the dismissal of the surviving claims, the Circuit Court entered its FINAL JUDGMENT on September 23, 2009. The Plaintiffs then appealed to the ICA which reversed the lower Court's decision in its decision and order issued on January 12, 2011.

"The ICA was tasked with resolving the question as to whether the political question doctrine barred judicial oversight in determining whether the Legislature had provided sufficient sums to DHHL. The ICA held that the political question doctrine did not bar the court's review and enforcement. In applying the test set forth in *Trustees of the Office of Hawaiian Affairs v. Yamasaki*, 69 Haw. 154, 737 P.2d 446, adopting the United States Supreme Court test in *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691 (1962), the Court reasoned:

Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question. [*See, Nelson v. Hawaiian Homes Comm'n*, 124 Hawaii at 442, 246 P.3d at 374 (App. 2011).]

"The ICA then took an in-depth look at the framers' intent, as evidenced by the Proceedings of the Constitutional Convention of Hawaii of 1978. The ICA first acknowledged that the Committee on Hawaiian Affairs stated the clear intent of the Amendment, which included that the Legislature must fund DHHL for purposes which reflect the spirit and intent of the HCCA and that discretion to do so was no longer permitted. [*See, Id.* at 443-444, 246 P.3d at 375-376 (App. 2011), citing, Comm. Rep. 56 at 630.]

"Further, the Committee found that:

[T]he department was established by the [HCCA] to provide a means to rehabilitate its beneficiaries through a series of projects and yet was given very little financial assistance to perfect its mandate. . . . It is clear to your Committee that the intent and spirit of the Act would be better served by releasing the department of its present burden to generate revenues through the general leasing of its lands. Your Committee decided that through legislative funding this dilemma would be resolved. In that manner more lands could be made available to the intended beneficiaries. [*See, Id.*]

"Further, the ICA held 'that there [was] no lack of judicially discoverable and manageable standards for resolving the question as to what are "sufficient sums".' [*See, Id.* at 445, 246 P.3d at 377 (App. 2011)] It found that the 1978 Constitutional Convention set forth the standards through the point advanced by Delegate Sutton to mean:

. . . funding to develop house lots for applicants on the waiting list or implied in the [Department's] general plan. It also means money to provide loans to lessees to construct their homes, since the lessee cannot mortgage or encumber the land. . . . For the administration, there is need for support of a staff to adequately service the department's beneficiaries and to purchase equipment which will allow sufficient management of its resources and records. [*See, Id.* at 445-446, 246 P.3d at 377-378 (App. 2011), citing, Proceedings of the Constitutional Convention of Hawaii of 1978, at 414.]

"Having found that none of the other factors set forth in *Yamasaki* held detrimental effect, the ICA therefore concluded that the Plaintiffs' claims were not barred by the political question doctrine and that the determination of 'sufficient sums' did not pose a political question as to all four purposes enumerated in Article XII, Section 1, to wit:

- (1) [D]evelopment of home, agriculture, farm and ranch lots;
- (2) [H]ome, agriculture, aquaculture, farm, and ranch loans;
- (3) [R]ehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; [and]
- (4) [T]he administration and operating budget of the department of Hawaiian home lands. [*See, Id.* at 379, 246 P.3d at 447 (App. 2011)]

"Finding that the 'DHHL's 1976 General Plan provided the "initial policy determinations" and set forth "judicially discoverable and manageable standards" by which "sufficient sums" can be determined, rendering the

controversy justiciable.' [See, *Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii 185, 192-193, 277 P.3d at 286-287 (2012), citing, *Nelson v. Hawaiian Homes Comm'n*, 124 Hawaii at 445-46, 246 P.3d at 377-78.] Hence, the ICA remanded the case back to the Circuit Court for further determination to be consistent with the ICA's opinion.

"The State Defendant thereafter petitioned and was granted *certiorari* review from the Supreme Court contending that political questions did exist. The State Defendant asserted that Article XII, Section 1 was silent on the number of lots that must be developed in a certain time and what a reasonable time period would be for an applicant to remain on the waiting list. As such, these material points could not be determined by the Court without the State making an 'initial policy determination of a kind clearly for nonjudicial discretion.' [See, *Id.* at 193, 277 P.3d at 287.]

"In its analysis, the Supreme Court also looked to the 'history of times and the state of being when the constitutional provision was adopted.' [See, *Id.* at 198, 277 P.3d at 292.] It found that the constitutional delegates intended to require appropriation of 'sufficient sums' to relieve DHHL of the burden of general leasing its lands to generate administrative and operating funds, and that to that end, it identified the minimum funding necessary for expenses. [See, *Id.* at 203, 277 P.3d 279 at 297.] Overall, the Supreme Court reasoned that a \$1.3 to \$1.6 million figure represented 'sufficient sums' for the administrative and operating costs only. [See, *Id.* at 202-203, 277 P.3d 279, 296-297.] However, the Supreme Court found that the history of the 1978 Constitutional Convention did not provide details on what 'sufficient sums' would be for the development and lessee loans for home, agriculture, farm and ranch lots, and for rehabilitation projects. [See, *Id.*] Because of this, those three specific purposes were barred judicial review by the Supreme Court pursuant to the political question doctrine.

"The Supreme Court expressly held that:

... [t]he 1978 Constitutional Convention history [provided] judicially discoverable and manageable standards, as well as initial policy determinations, as to what constitutes "sufficient sums" for DHHL's administrative and operating expenses only; therefore, judicial determination of "sufficient sums" as to that purpose under Article XII, Section 1 of the ... Constitution is not barred as a nonjusticiable political question, and the ICA did not err in so holding. However, Article XII, Section 1 and the 1978 Constitutional Convention do not shed light on what would constitute "sufficient sums" for (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; and (3) rehabilitation projects. Therefore, the political question doctrine bars judicial determination of what would constitute "sufficient sums" for those purposes, and the ICA erred in concluding otherwise. [Emphasis added. See, *Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii 185 at 188, 277 P.3d 279 at 282 (2012).]

"The case was then remanded back to the First Circuit Court for further determination consistent with the Supreme Court's opinion issued on May 9, 2012. On November 27, 2015, after an eight day trial, the Circuit Court found that in every year since at least 1992, 'the legislature has failed to appropriate sufficient sums to the [DHHL] for its administrative and operating budget.' This was held to be in violation of its constitutional duty to do so.

"Specifically, the Circuit ordered that:

- (1) The State of Hawai'i has failed to provide sufficient funds to the Department of Hawaiian Home Lands for its administrative and operating budget in violation of the State's constitutional duty to do so under article XII, section 1 of the Hawai'i Constitution.
- (2) The State of Hawai'i must fulfill its constitutional duty by appropriating sufficient general funds to the Department of Hawaiian Home Lands for its administrative and operating budget so that the Department does not need to use or rely on revenue directly or indirectly from general leases to pay for these expenses.

- (3) Although what is "sufficient" will change over the years, the sufficient sums that the legislature is constitutionally obligated to appropriate in general funds for DHHL's administrative and operating budget (not including significant repairs) is more than \$28 million for fiscal year 2015-16.
- (4) Prior to 2012, the DHHL Defendants breached their trust duties by failing to take all reasonable efforts – including filing suit – to obtain all the funding it needs for its administrative and operating budget.
- (5) The defendants shall prospectively fulfill their constitutional duties and trust responsibilities. They are enjoined from violating these obligations. [See, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER filed November 27, 2015.]

"Thereafter, the State Defendants filed a MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER. Shortly thereafter, and on January 7, 2016, the Hawaii State Legislature sought leave of Court to submit an AMICUS CURIAE BRIEF IN SUPPORT OF STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR ALTER OR AMEND THE JUDGMENT AND ORDER OF THE CIRCUIT COURT.

"As outlined in the Legislatures' Amicus Brief, the Legislature contended that this matter and the Court's ruling present important issues as to the separation of powers in Hawaii between the judicial and legislative branches. The Legislature took issue with the constitutionality of the Court mandating the appropriation of a minimum amount of funds by the Legislature to DHHL. The Legislature conceded in its brief that the Attorney General has 'the power to speak for the State'. However, as this case presents issues that go to the 'heart of our constitutional system of government,' the Legislature should be permitted to submit an Amicus Brief separately, with different counsel, and would so through support of the State Defendants' MOTION FOR RECONSIDERATION OF, OR ALTER OR AMEND THE JUDGMENT AND ORDER OF THE CIRCUIT COURT.

"In summary, the Legislature contends that the Supreme Court's recent ruling purports to usurp the Legislature's constitutional and exclusive authority to appropriate funds, and impinges on the Legislature's authority to pass laws. Specifically, the Legislature does not believe, pursuant to both separation of powers and the guarantee clause of the Constitution, that the Court may order the Legislature to appropriate at least \$28 million to the DHHL for the fiscal year 2015-2016, and beyond.

"Private counsel has been retained by the Legislature to argue that the Circuit Court's order is in violation of the separation of powers doctrine, firmly rooted in our government and the autonomy of the three branches: the Legislative; the Executive; and the Judicial.

"On February 16, 2016, Judge Castagnetti granted the Legislature's MOTION FOR LEAVE TO FILE A MEMORANDUM ON BEHALF OF THE HAWAII STATE LEGISLATURE AS AMICUS CURIAE IN SUPPORT OF STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR ALTER OR AMEND THE JUDGMENT AND ORDER FILED ON DECEMBER 21, 2015. The hearing on the Motions for Reconsideration are scheduled to be heard on February 26, 2016, in the First Circuit Court.

"II. JUDGE CASTAGNETTI'S ORDER

"Finally, I would like to close with one last point. As noted in the bill, on November 27, 2015, the First Circuit Court issued FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the *Nelson* case. In it, the Circuit Court found that since 1978, the Legislature had not appropriated enough general funds to pay for DHHL's administrative and operating expenses.

"The Circuit Court further found that DHHL 'suffers from a lack of funding. . . which adversely affects beneficiaries of the Hawaiian Home Lands Trust,' and declared that the Legislature is constitutionally obligated

to appropriate 'more than \$28 million for fiscal year 2016.' [Emphasis added.]

"In reviewing Judge Castagnetti's Order, it is clear that the Court ordered payment of more than \$28 million for fiscal year 2015-2016, not fiscal year 2016-2017 as provided for under this bill.

"On page 39 of the Order, Judge Castagnetti wrote:

3. Although what is "sufficient" will change over the years, the sufficient sums that the [L]egislature is constitutionally obligated to appropriate in general funds for DHHL's administrative and operating budget (not including significant repairs) is more than \$28 million for fiscal year 2015-16. [Emphasis added.]

"While the provision of \$28 million for fiscal year 2016-2017 might arguably ensure that the State is in compliance with its constitutional responsibilities starting on July 1, 2016 and ending on June 30, 2017, the bill as presently drafted does not address the State's compliance for the period starting on July 1, 2015 and ending on June 30, 2016, as Judge Castagnetti ordered the State to do.

"It is my hope that your Committee on Finance will amend the bill to include an appropriation of general funds for fiscal year 2015-2016 in an amount that would supplement previous general fund appropriations for administrative and operational funding so that the total amount of general funds appropriated for fiscal year 2015-2016 will equal at least \$28 million. While this would not take into account the need for the Governor to release and expend these funds, only through the appropriation of \$28 million in general funds for fiscal year 2015-2016 would the Legislature and this House be in compliance with Judge Castagnetti's order.

"Thank you for the opportunity to submit these written remarks. In light of the above, I strongly urge my colleagues to support this important measure."

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

"Mr. Speaker, in strong support."

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

"Mr. Speaker, in strong support and ask to submit comments to the Journal. Thank you."

Representative DeCoite's written remarks are as follows:

"I speak in strong support of HB 1932, HD 1. This bill does nothing more than honor our constitutional obligation that each of us has taken an oath to uphold. Article XII, Section 1 clearly states that the Legislature shall make sufficient sums available for four purposes, one of which is the administration and operating budget of the Department of Hawaiian Home Lands.

"As a homesteader from the island of Molokai, I appreciate that the current House leadership has seen fit to provide more funding over the last few years to DHHL than has been provided in the past, but I felt it was important to provide some history about funding to DHHL for administrative and operating expenses.

"From its beginning through fiscal year 1989 (with few exceptions), DHHL received no general (or external) funding for its administrative and operating expenses. In fiscal year 1991-92, the State appropriated over \$4 million in general funds to DHHL for administrative and operating costs. Between fiscal years 1997-2009, the State appropriated less than \$1.6 million per year in general funds to DHHL for its administrative and operating budget. In fiscal years 2010-2013, the Legislature appropriated no general funds for DHHL's administrative and operating budget. After the Supreme Court's decision in the Nelson case, the Legislature increased its general fund appropriations from zero to \$9.6 million for DHHL's administrative and operating budget expenses.

"Given this dismal history of funding, I ask my colleagues to take this historic step in complying with the constitutional mandate and providing the sufficient sums to DHHL for administrative and operating expenses."

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

"Strong support as well and would like the comments of the good Representative from Molokai entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

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

"In strong support, Mr. Speaker."

Representative Ward rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, my first concern with this bill is that while it acknowledges the circuit court's mandate to provide at least \$28M in general funding to DHHL for FY 2015-2016, the stated 'purpose of this Act is to ensure the legislature fulfills its responsibility under article XII, section 1, of the state constitution by appropriating sufficient general funds for the administration and operating expenses of the department of Hawaiian home lands for fiscal year 2016-2017.' If the Legislature does not see fit to appropriate at least \$18.6M (when added to the \$9.4M already appropriated) for FY 2015-2016 this legislative session, it will be in violation of the court's order. In addition, if an additional \$18.6M in general funds is not appropriated to DHHL for FY 2015-2016, the State's budget could be found unconstitutional for failing to comply with Art. XII, Sec. 1.

"The same reasoning applies if the Legislature fails to provide DHHL with 'sufficient funding' for FY 2016-2017. So, if HB 1932 is the Legislature's attempt to provide DHHL with 'sufficient funding' for FY 2016-2017, and it is killed or amended and no other bill does so, then the Legislature will again not be fulfilling the court's order. Absent an appropriation which amounts to sufficient funding for DHHL admin and operating costs for FY 2016-2017, the State's budget could again be found unconstitutional for failing to comply with Art. XII, Sec. 1.

"In 1978, the voters of this state amended our State Constitution to provide that the 'legislature shall make sufficient sums available for. . . the administration and operating budget of the department of Hawaiian home lands . . . by appropriating the same in the manner provided by law.' According to the Hawai'i Supreme Court, the 'Legislature, prior to 1978, had discretion to fund (or not fund) DHHL.' *Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii 185, 189 (2012). That discretion ended in 1978, as intended by the delegates to the constitutional convention. The committee report for the proposal that amended Article XII §1 states: 'Your committee proposal makes it expressly clear that the legislature is to fund DHHL for purposes which reflect the spirit and intent of the Act. Your Committee decided to no longer allow the legislature discretion in this area.' Stand. Comm. Rep. No. 56 in 1 Proceedings of the Constitutional Convention of Hawaii of 1978, at 630 (1980).

"Nevertheless, a circuit court has concluded that the Legislature has not appropriated enough in general funds to pay for all of DHHL's administrative and operating expenses. And the Hawai'i Supreme Court has observed that 'the State has failed, by any reasonable measure, under the undisputed facts, to provide sufficient funding to DHHL[.]' The State's track record in supporting DHHL's success is poor, as evidenced by 27,000 of qualified applicants on the waiting lists and the decades-long wait for homestead lots. See 'A Broken Trust: The Hawaiian Homelands Program: Seventy Years of Failure of the Federal and State Governments to Protect the Civil Rights of Native Hawaiians' (1991). With the benefit of 35-90 years of hindsight, it is clear that DHHL is underfunded and has not been able to fulfill all of its constitutional purposes. *Nelson*, 127 Hawaii at 205.

"The failure of the Legislature to appropriate sufficient general funds has forced DHHL to lease its lands to raise needed funds – making those lands

unavailable for homesteading by Native Hawaiians. If the State had provided sufficient sums to DHHL, DHHL could have used its own funds to create more homesteads and provide more services and assistance to its beneficiaries, including the homeless. As a matter of public policy, providing more funding to DHHL will help address the homelessness crisis and correct a manifest injustice.

"The circuit court concluded that the general fund appropriation of \$9.6 million for fiscal year 2015-16 is not sufficient to meet DHHL's administrative and operating cost needs. For fiscal year 2015-16, DHHL requires more than \$28.4 million for its administrative and operating needs.

"For these reasons, Mr. Speaker I am hopeful that the Legislature adheres to the circuit court's ruling and finally makes true on a promise it made decades ago. Anything short of this is unfair, illegal and even immoral.

"Thank you, Mr. Speaker."

Representative Har rose in support of the measure and asked that the remarks of Representative Oshiro be entered into the Journal as her own, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Har's written remarks are as follows:

"Mr. Speaker, I stand in strong support of HB 1932, HD 1.

"Thank you, Mr. Speaker. The State of Hawai'i has fallen short of its fiduciary responsibility to our Native Hawaiian beneficiaries and the Department of Hawaiian Home Lands for far too long. The reasons for this have been laid out in the decision of the State Supreme Court, and I stand with the ruling. Reading from the Hawai'i Constitution, Article XII, Section 1 states in part:

The legislature shall make sufficient sums available for [...] the administrative and operating budget of the department of Hawaiian home lands.

"The State of Hawai'i has an obligation to provide enough general funds to pay for the Department's administrative and operating expenses, and since the Hawai'i Constitutional Convention of 1978, this body has failed to do so.

"In 1978 the people of these islands assembled to put together the Constitution of the State of Hawaii, the core agreement that the people formed with one another and with the state they were creating. They specifically laid out responsibilities, rights, and the attributes of a government, one they hoped would provide for generations to come. In that Constitutional Convention, there was guaranteed to the Department of Hawaiian Home Lands a fundamental level of resources with which it could administer and operate itself on the behalf of our Native Hawaiian beneficiaries. This guarantee is a part of the fabric of our state, yet almost 40 years later people suffer from the perpetual unwillingness of the State to provide adequate resources. The Hawai'i Supreme Court ruling, which calls for this bill, provides proof that the primary source of revenue used to administer the Department comes from leasing the lands it is supposed to guarantee to beneficiaries: this is an abuse of these lands, showing the Department has been fiscally forced into self-sabotage to even keep its head above water. As the court declared quite clearly, this leasing and self-sabotage is absolutely not the intent of our Constitution.

"The State may argue that this sort of thing is not the realm of the courts to decide: this is simply not true. The Supreme Court, looking back to the 1978 Constitutional Convention, proved in no uncertain terms that there are 'judicially discoverable and manageable standards that do not involve initial policy determinations of a kind clearly for non-judicial discretion.' That is to say, this bill is a question of semantics; it is one of clearly outlined state obligations. The court is not making laws, it is protecting the Constitution and doing its duty to the people of the State in holding the government accountable thereto. It was this body's ignorance of the Hawai'i State Constitution which led to public outcry and forced the hand

of the Judiciary in this way. Now, it is up to us to fix this. Fulfill the promises that were made to the people under Article XII of the Hawai'i State Constitution. Vote yes on HB 1932, HD 1.

"Thank you, Mr. Speaker."

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

"In strong support. Same request as the others."

Representative San Buenaventura's written remarks are as follows:

"The Department of Hawaiian Home Lands has been long under-funded. Where DHHL lands are prominent in my district of Puna, the under-funding is affecting my district most of all."

Representative Saiki rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure because the State does have an obligation to provide sufficient administrative and operating funds to the Department of Hawaiian Home Lands, just as it does with every other state department.

"The determination of what constitutes a sufficient sum is a question that is reserved to the Legislature. It should be noted that the delegates to the 1978 Constitutional Convention could not arrive at a sufficient sum as evidenced by differing calculations in their floor speeches. The question will be best determined through the legislative process after consideration of DHHL's request, the Governor's request, public testimony, and other circumstances (often, circumstances that change over time).

"The Legislature's role is consistent with the separation of powers framework. As Justice Nakamura wrote for the Hawaii Supreme Court:

... like the federal government, ours is one in which the sovereign power is divided and allocated among three co-equal branches. Thus, we have taken the teachings of the Supreme Court to heart and adhered to the doctrine that the use of "judicial power to resolve public disputes in a system of government where there is a separation of powers should be limited to those questions capable of judicial resolution and presented in an adversary context." And, we have admonished our judges that "even in the absence of constitutional restrictions, [they must] still carefully weigh the wisdom, efficacy, and timeliness of an exercise of their power before acting, especially where there may be an intrusion into areas committed to other branches of government."

"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. 1932, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 601-16) recommending that H.B. No. 1672, HD 1, as amended in HD 2, 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. 1672, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUG BENEFITS," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 602-16) recommending that H.B. No. 1990, 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. 1990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 603-16) recommending that H.B. No. 2716, 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. 2716, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-STORAGE FACILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 604-16) recommending that H.B. No. 362 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. 362, entitled: "A BILL FOR AN ACT RELATING TO RESISTING ARREST," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 605-16) recommending that H.B. No. 2158, 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. 2158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 606-16) recommending that H.B. No. 2314, HD 1 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. 2314, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 607-16) recommending that H.B. No. 2560, 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. 2560, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 608-16) recommending that H.B. No. 2221, HD 1 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. 2221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 609-16) recommending that H.B. No. 1987, HD 1 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. 1987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH GANGS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 610-16) recommending that H.B. No. 1902, 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. 1902, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I have reservations on this measure, and my reservations are this. The prosecuting attorney testified that, although it's a well-intended measure, it may actually increase the trafficking of minors. This is because it removes the charge of prostitution and simply creates a violation.

"They pointed to the fact that we only need to look at drug dealers and how they use underage children as the mules to move the drugs. The adult gets caught, he gets 20 years in jail. The child gets caught, it is a slap on the wrist. So they think that the unintended consequences of this, and those were the words that were used, could be harmful. So if there's some way to tighten that up moving forward, I don't know if it is possible. That's my concern. 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. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX TRAFFICKING," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 611-16) recommending that H.B. No. 1829 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. 1829 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to declare a potential conflict of interest and ask to be excused from voting on all marijuana-related bills. I have an immediate family member applying for a medicinal marijuana license."

At 12:54 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

At this time, the Chair stated:

"Members, after conferring with the Member, we've confirmed that a conflict does exist. The ruling is that the Representative will be excused from voting on any bills relating to medical marijuana. It stands for the entire session. Thank you very much for your disclosure, Representative."

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

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

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

"Mr. Speaker, no vote against this measure. Let me tell you why. In opposition. Essentially what it does is, it strikes out some important safeguards that I believe would have enabled the State to be aligned with the Cole Memorandum, issued by the federal law enforcement authorities.

"There's several things. Number one, it repeals any penalties from unauthorized access to medical marijuana retail dispensary facilities, also the same for any unauthorized access to the production facilities. And then it reduces the distribution or access of medical marijuana to a minor from a Class B felony to a petty misdemeanor.

"It also reduces the other fines for fraudulent conveyance of medical marijuana from a Class C felony to a petty misdemeanor. I think that goes against the Cole Memorandum, puts the medical marijuana dispensary program in jeopardy of federal oversight and affect. For those reasons, I will be voting no. Thank you."

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

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

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

"In strong support. The problem I had with the original, without this bill, is that the penalties that Hawaii had imposed was not in line with any other state. All these felonies that we referred to in this bill are not in any of the other states that have medical marijuana.

"So in essence, we have become more punitive. By passing this bill, we are now in line with the other states. Thank you."

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

"Mr. Speaker, no vote. In Indonesia they say, *justru karena itu*, precisely because of that, that we are not another state which are fast-tracking onto recreational marijuana, we should be doing those penalties. In fact, Mr. Speaker, if there's any evidence that this is the slippery slope to recreational marijuana, this is it. If we don't hold the line, in fact, some of you in this chamber have said in three to five years, recreational marijuana is already structured, already teed up to be hit up into the fairway of drugging.

"Mr. Speaker, you look at the people out in the homeless areas, you see what drugs have done to our society, see what drugs have done to family, some members of our own families here. Mr. Speaker, loosening this up, medical marijuana is necessary, and it's for those who medically need it, but it's out of control, it hasn't been able to be enforced. And the way that we loosen these things like the other states, like Colorado, for example, is leading us not in the right direction.

"It's not a good policy, Mr. Speaker. So I am glad to see in three to five years from now, if there is anything that I've just said is as my colleague says, Nostradamus has said, these things are coming. So we have to tighten down, batten down the hatches as much as we can to keep this from going too far, too quickly. Thank you, Mr. Speaker."

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

"In support. I just wanted to have the words of the Representative from Puna inserted as my own," and the Chair "so ordered." (By reference only.)

Representative Ing continued, stating:

"Also, just real briefly, yes, if we're going to have medical marijuana that's legal, we should make it fair and just. If you look at the people who are in prison for low level drug offenses, not just here in Hawaii but across the nation, it's not that drugs have done this to our community, there's other forces that bring people to abuse certain substances. Poverty, broken families, not enough educational attainment, not enough affordable housing. These are all the things that lead people down the road of drug abuse and eventually in prison. We need to address those problems, rather than tackling this.

"If this is some kind of gateway bill to recreational marijuana, then I'll support that as well, because nobody should be locked in a cage for ingesting a plant. Thank you."

Representative Tupola rose to respond, stating:

"One of the concerns brought up to me by the Chief of Police from the Big Island was that last year they had no DUIs that were alcohol related, all drug related. So I think from island to island there's varying levels of concern. But this is a statewide bill that we are doing, and so I think knowing that, that there's varying levels and that perhaps there are islands that want more restriction because there is such rampant access to it, that it should be considered. Because everything that works on Oahu does not work on the Big Island, does not work on Kauai. We're all separate islands that have different struggles and different needs, and so I think that should be considered when deciding whether or not to keep the restrictions as high as they are, or lessening them. Thank you."

Representative Har rose in opposition to the measure and asked that the remarks of Representative Oshiro be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative LoPresti rose in support of the measure and asked that the remarks of Representative San Buenaventura be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative San Buenaventura rose to respond, stating:

"Just really shortly. One of the felonies that really to me went over the line that the last medical marijuana dispensary that we passed that this bill eliminates, is the strict liability of someone, of an innocent person, going into a medical marijuana dispensary, asking what the heck is going on. Our law made that a Class C felony. That means the rest of us who went to medical marijuana dispensaries, like in Colorado, in Washington, we would have been guilty of a Class C felony had we not had a medical certificate with us, just because we were checking it out.

"That's what's going to be happening when we start opening medical marijuana dispensaries here. People are going to flock to see what it's about. Are we going to start making them felons? This is ridiculous. As such, I am still in strong support and I request everyone else to support this. Thank you."

Representative Oshiro rose to respond, stating:

"Thank you, Mr. Speaker. Still in strong opposition. I think another point that needs to be made is that, I find it so strange, in fact almost bizarre, and people might wonder what we're smoking down here, that even while the administration, much criticized for its lack of disclosure, lack of transparency, lack of accountability on how this merit-based selection process will take place for the lucky eight, even all those concerns being raised on the front page every day and the scrutiny that's

been brought down upon the administration, wouldn't even think about amending the current law that would have an immediate effect upon those applicants and those lucky eight.

"I'm sure that when they designed their security plans pursuant to the existing Act 241, they incorporated the severe penalties and sanctions and deterrents into their design, into their financing, into their equipment. And in fact, Mr. Speaker, it is a qualification that those applicants do state these requirements to comport with the current law, Act 241.

"What this bill does, whether you're for it or against it, it has material substantive amendment to the current law that's being used right now to select on a merit-based system the lucky eight applicants who will get the dispensary licenses. So that's an issue that I think needs to be brought to the attention of the body, for us to really ponder upon and think about it. Whether you want to do that at this point in time, given the questions that have been raised about the current process.

"Number two, Mr. Speaker, this bill is effective upon approval. And I know it has to go to another committee, and I hope they will take some of the concerns raised here today to that effect. But that's the Finance Committee, not the Judiciary Committee. They may look at the fiscal components of this bill and what it means fiscally, but may not on the judicial or legal side of this measure. So that's another concern.

"And finally, Mr. Speaker, when you look at the law right here, it means that I can go into a medical marijuana dispensary without a card, without authorization, walk into it very casually, look at the wares, and then let's see if someone is going to sell me a product, or give me a product, or allow me access to their product.

"Also understand this, Mr. Speaker, this also applies for production facility, also a growing facility. We will allow anyone access to that. And I know this for a fact, Mr. Speaker, whether you go to Colorado, Oregon, Washington, Alaska, there is no one having access to a growing facility without permission, without authorization.

"And just to finally clarify, the previous speaker from the island of Puna, Hawaii Island, Puna district. When we went to the dispensary in Colorado, we went to a recreational dispensary, not a medical marijuana one. Recreational, anyone over 21 years of age may enter it without any certificates."

Representative Har rose to yield her time, and the Chair "so ordered."

Representative Oshiro continued, stating:

"Thank you. So let's be very clear about it. If you go to Colorado today, you can enter a recreational dispensary and purchase product if you are 21 years of age. So I think that's an important difference here. We are talking about a medical marijuana, well-regulated system we have in place today. And these rules or these penalties are appropriate for what we are trying to do in balancing out the interest of the legitimate patients with the interest of the larger community.

"And remember, Mr. Speaker, when they start to produce and grow marijuana, and produce their products, and get them to the retail market, a community will not be notified until they begin to see the operations or the growing, ongoing growing, that will occur. So, no one is going to get any notice of this. Thank you, Mr. Speaker."

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

"Mr. Speaker and Members, I am strongly in favor of this bill and I wish to incorporate the words of the Representative from Maui and Representative from Puna as my own. Thank you very much," and the Chair "so ordered." (By reference only.)

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

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

"Given our robust discussion, Mr. Speaker, I'd just like to cast a 'with reservations' at this time."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1829, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Matsumoto, Pouha and Say voting aye with reservations, with Representatives Choy, Har, McDermott, Oshiro, Tupola and Ward voting no, and with Representatives Kawakami, Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 612-16) recommending that H.B. No. 1996, HD 1 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. 1996, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 613-16) recommending that H.B. No. 2121, HD 1, as amended in HD 2, 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. 2121, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 614-16) recommending that H.B. No. 2280 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. 2280, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF CHARITABLE ASSETS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 615-16) recommending that H.B. No. 2493, 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. 2493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 616-16) recommending that H.B. No. 2626, 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 Committees was adopted and H.B. No. 2626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 617-16) recommending that H.B. No. 2528, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2528, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"In support with some slight reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2528, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SHOOTING FACILITY IN WEST HAWAII ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Lowen voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 618-16) recommending that H.B. No. 2388, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2388, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Tupola rose and asked that the Clerk record a no vote 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."

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

"Thank you, Mr. Speaker. With reservations. Although there is no money placed in this particular measure at this time, I'll wait for the discussion at Finance, but I do have some concerns on some wording in here. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2388, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Ing, Jordan and Matsumoto voting aye with reservations, with Representative Tupola voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 619-16) recommending that H.B. No. 2571, as amended in HD 1, 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. 2571, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this bill portends to eliminate investor-owned electric utilities. My concern with this bill is that, thus far we've had some conversations about co-ops, publicly owned utilities, at a time when we're going through a tremendous period of change. What concerns me, though, is that if we are not going to have investor-owned, privately owned utility, then what we are looking at is a

publicly owned utility. And we have not had the serious conversations about how we will fund that.

"On this island, there has been no indication that there will be anyone supporting a publicly owned electric utility. All I can think about is how frustrated we are with the Board of Water Supply here in this county.

"So this bill that does not even have a Finance referral and sets out a pathway for us to move towards public utilities without having a conversation about how we are going to finance it, is very disconcerting. So, in opposition, Mr. Speaker."

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

"Thank you. Just very briefly, Mr. Speaker, in support. I'd just like to point out, this bill has actually nothing to do with publicly owned utilities. The purpose of this bill is to address our current investor-owned utility situation on the assumption that there is no further move toward a publicly owned utility, despite the fact that the Honolulu City Council has already taken a vote affirmatively beginning the process to explore that.

"I did want to quote the PUC very briefly and just note the intent of this. I am quoting the PUC here in a recent order. 'The role of the HECO Companies with respect to ownership of new generation,' electric power generation, 'is the critical policy issue with respect to the future generation fleet on each island grid.'

"The intent of this bill is to push the utilities to over time divest generation capacity and become an operator of a grid on which everybody can generate power, whether you are a power plant, or a solar farm, or an individual with PV panels on your roof. Putting all that onto a grid managed by the utility to compete and create competition for the first time in a traditionally monopoly market.

"I'm going to quote the PUC one more time real quick. 'Utility-owned generation creates inherent financial conflicts that can complicate, and in some cases impede, development of independent generation projects. This creates regulatory challenges for the Commission, as well as a public distrust about investor-owned utility motives. It is difficult to ascertain whether project development delays, contractual disputes with independent developers or utility reluctance to quickly embrace change are predicated upon legitimate technical reasons or driven by existing and future utility generation rate base investment concerns and traditional utility business practices.'

"And I think this is the key issue. If utilities can become a 21st century manager of a grid in which anyone can generate power, we can have competition, we can lower prices. And this has been evident nowhere more so than in these recent past few weeks as the utility has cancelled, I believe, five renewable energy projects here in the State that would've provided extremely cheap power, as low as 14 cents per kilowatt hour, which is significantly lower than oil and natural gas-fired generation, while at the same time, the utility announcing plans for expanded coal and expanded liquid natural gas investments, and in particular the liquid natural gas investments being significantly more expensive per kilowatt hour than the solar, which was just cancelled.

"And this is a concern, because we want to move the utility to that 21st century model as the PUC describes, rather than having it continue to invest in centralized control which elevates cost for everybody. And so in the end, I think this is a measure designed to forward that conversation, and I expect if it continues to move that we'll hopefully get some answers as to where the utility is going.

"And lastly, Mr. Speaker, I'd just like permission to insert a release from the Chair of the Public Utilities Commission, which was just put out this morning, which speaks to the projects that I just mentioned and the perhaps lack of progress on the part of the utility moving toward that 21st century model. Thank you."

Representative Lee submitted the following:



PUBLIC UTILITIES COMMISSION

RANDALL Y. IWASE
CHAIR

FOR IMMEDIATE RELEASE
February 18, 2016

STATEMENT FROM CHAIR RANDALL Y. IWASE

As Chair of the Public Utilities Commission, I am disappointed with several recent events that affect new renewable energy projects in the Hawaiian Electric Companies' ("HECO Companies") service territories.

These recent events, which may also work against the goals of lowering electric rates for all customers and achieving 100 percent renewable energy by 2045, include:

- The HECO Companies' decisions to terminate power-purchase agreements for three solar projects on Oahu;
- The HECO Companies' stated intention to terminate the agreement for a biomass project on Hawaii Island;
- The closing of a prolonged and unsuccessful solicitation by Hawaii Electric Light Company, Inc. for new geothermal generation on Hawaii Island;
- The continued delay by Maui Electric Company, Ltd. to approve and connect new rooftop solar on Molokai; and
- The slow progress by the HECO Companies to approve and connect customers that have signed up for new rooftop solar under the grid-supply option.

Collectively, these initiatives represent a substantial portion of ongoing opportunities for the development of clean energy in Hawaii and to lower electricity rates.

The Commission currently has open proceedings to review each of these matters and will thoroughly investigate the conduct of the HECO Companies.

However, as Chair, I must share my concern that, collectively, these events send the wrong message to third party developers that desire to compete for clean energy business opportunities in Hawaii, and appear to represent a step backwards from the State's clean energy goals. It is my belief that, to achieve these goals and benefit customers, we must encourage fair and timely processes for competitive procurement and interconnection of clean energy projects. The events referenced above on the whole do not appear to show movement towards a more competitive and efficient marketplace that will assist in the achievement of these goals.

Furthermore, when the Commission approved the power-purchase agreements for the solar projects on Oahu, they were among the lowest-cost clean energy projects to date. I am concerned that the HECO Companies have not offered alternative projects that could deliver such low-cost clean energy by the end of 2016 -- the date when the solar projects would likely have been completed.

Finally, the February 2015 letter agreement that I signed with the President and CEO of the HECO Companies stated in part that "the policy is that the HECO Companies have an affirmative duty to interconnect a potential customer pursuant to existing statutory requirements, commission orders, and the utility's tariff where that project does not affect circuit or system level security and reliability."

In light of the HECO Companies' commitments and the spirit of this letter agreement, the ongoing void in comprehensively addressing the Molokai system, and the slow progress associated with approving new grid-supply applications raises serious questions about the HECO Companies' actions pursuant to the letter agreement.

Upon the Commission's review of these matters, the Commission will determine whether the actions of the HECO Companies were consistent with the interests of its customers, and also consider any further action that may be necessary by the Commission.

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

"Mr. Speaker, I am looking at the committee report, so again, I stand to disclose a potential conflict of interest. This is a matter that may affect a local public utility called Hawaiian Electric, in which I am a shareholder. Thank you," and the Chair ruled, "no conflict."

Representative Say 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. 2571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC PUBLIC UTILITY TRANSFORMATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Say voting aye with reservations, with Representative Belatti voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 620-16) recommending that H.B. No. 2085, 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. 2085, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Say 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. 2085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representative Say voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 621-16) recommending that H.B. No. 2145, HD 1, as amended in HD 2, 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. 2145, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BEACHES," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 622-16) recommending that H.B. No. 1751, 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. 1751, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Belatti, for the Committee on Energy & Environmental Protection and the Committee on Health, presented a report (Stand. Com. Rep. No. 623-16) recommending that H.B. No. 2517, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2517, HD 1 pass Second Reading and be referred to the Committee on Finance, 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."

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 Committees was adopted and H.B. No. 2517, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOL TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Jordan and Oshiro voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Belatti, for the Committee on Energy & Environmental Protection and the Committee on Health, presented a report (Stand. Com. Rep. No. 624-16) recommending that H.B. No. 1983, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1983, HD 1 pass Second Reading and be referred to the Committee on Finance, 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."

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 Committees was adopted and H.B. No. 1983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Jordan and Oshiro voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 625-16) recommending that H.B. No. 2077, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2077, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"In strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROELECTRIC POWER," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 626-16) recommending that H.B. No. 1799, 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. 1799, 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 Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 627-16) recommending that H.B. No. 539, 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. 539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII ATHLETICS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 628-16) recommending that H.B. No. 656, 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. 656, 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 Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 629-16) recommending that H.B. No. 1625, 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. 1625, 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 Nakashima, Thielen and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 630-16) recommending that H.B. No. 1613, 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. 1613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 631-16) recommending that H.B. No. 1941, 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. 1941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Belatti and Morikawa, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep. No. 632-16) recommending that H.B. No. 2342, 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 Committees was adopted and H.B. No. 2342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 633-16) recommending that H.B. No. 2005, HD 1, as amended in HD 2, 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. 2005, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 634-16) recommending that H.B. No. 2320 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. 2320, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 635-16) recommending that H.B. No. 2319 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. 2319, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 636-16) recommending that H.B. No. 2329 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. 2329, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 637-16) recommending that H.B. No. 2326 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. 2326, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE RESCUE FRAUD," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 638-16) recommending that H.B. No. 2422 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. 2422, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 639-16) recommending that H.B. No. 2283, 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. 2283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 640-16) recommending that H.B. No. 1627, HD 1, as amended in HD 2, 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. 1627, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL INVESTIGATIONS BY THE REGULATED INDUSTRIES COMPLAINTS OFFICE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 641-16)

recommending that H.B. No. 1673, 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. 1673, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, with reservations, brief comments. This is the Obamacare-inspired bill that overreaches into the private sector. Instead of using competition, it says you have to do certain things with your phones and your delivery and all the things which otherwise the private sector, and that is competition, can solve without this 'mother may I' bill that we are now passing. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, in support. And once again, for the edification of the Members, it is a mandate of Obamacare that you have to buy from the cheapest supplier, period. You can't shop for quality, you can't contract with local suppliers that you know, and guess what's happening? You're contacting these vendors to get the equipment you need to get out of the hospital to your families, and there is no response, which is why this legislation is continued to be introduced.

"It's because of the ACA that we are looking to restore the choice of the hospitals to get the equipment they need so that our people, especially veterans, veterans, Mr. Speaker, can have the equipment that they need show up on time and they can go home, and not call a vendor on the mainland and get no response, no answer, and the families are left waiting in the lurch. That's why we have to do this legislation, is to carve out and protect us from this aspect of the ACA. 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. 1673, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was referred to the Committee on Finance, with Representative Ward voting aye with reservations, with Representative McDermott voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 642-16) recommending that H.B. No. 1802, 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. 1802, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Ruling for a possible conflict of interest. I own a condominium. Thank you," and the Chair ruled, "no conflict."

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

"Same ruling," and the Chair ruled, "no conflict."

Representative LoPresti continued, stating:

"Can that stand for the remainder of the session? Thank you, Mr. Speaker," and the Chair "so ordered."

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

"Same request," 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. 1802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 643-16) recommending that H.B. No. 1828, 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. 1828, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, ruling on a potential conflict of interest. I am a taxi driver. Thank you, sir," and the Chair ruled, "no conflict."

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

"Strong reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1828, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION NETWORK COMPANIES," was referred to the Committee on Finance, with Representative Ing voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 644-16) recommending that H.B. No. 1895, 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. 1895, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Please note my reservations on this measure. And may I have permission to have the comments I submitted on Day 14, which is February 11th, 2016, also submitted today for this particular measure. Thank you very much, Mr. Speaker," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1895, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 645-16) recommending that H.B. No. 2363, as amended in HD 1, 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. 2363, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 646-16)

recommending that H.B. No. 1759, HD 1, as amended in HD 2, 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. 1759, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 647-16) recommending that H.B. No. 1531, HD 1, as amended in HD 2, 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. 1531, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE LEGAL LOAN REPAYMENT ASSISTANCE," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 648-16) recommending that H.B. No. 1659 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. 1659, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 649-16) recommending that H.B. No. 2736, HD 1, as amended in HD 2, 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. 2736, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BALLOTS," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 650-16) recommending that H.B. No. 2049, HD 1, as amended in HD 2, 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. 2049, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 651-16) recommending that H.B. No. 369, 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. 369, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 652-16) recommending that H.B. No. 2377, 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. 2377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed Second

Reading and was referred to the Committee on Judiciary, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 653-16) recommending that H.B. No. 2416 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. 2416, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 654-16) recommending that H.B. No. 1620, 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. 1620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 655-16) recommending that H.B. No. 2566, as amended in HD 1, 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. 2566, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker, for the indulgence. In an abundance of caution, again, on both House Bill 2566 and House Bill 2081, I need to disclose a potential conflict of interest. I am a shareholder in Hawaiian Electric," and the Chair ruled, "no conflict."

The Chair addressed Representative Oshiro, stating:

"Please note, Representative, feel free to allow the Chair to indulge your request, we could do a ruling for the rest of the day or the rest of the year if you would like to. Thank you for your disclosure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Say voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 656-16) recommending that H.B. No. 2081, as amended in HD 1, 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. 2081, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker, for the indulgence. In an abundance of caution, again, on both House Bill 2566 and House Bill 2081, I need to disclose a potential conflict of interest. I am a shareholder in Hawaiian Electric," 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. 2081, 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 Representative Say voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 657-16) recommending that H.B. No. 1660, 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. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF RESTITUTION FOR CRIME VICTIMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 658-16) recommending that H.B. No. 2285, 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. 2285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LITIGATION TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 659-16) recommending that H.B. No. 1559, 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. 1559, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Kawakami 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. 1559, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY FORFEITURE," passed Second Reading and was referred to the Committee on Finance, with Representative Kawakami voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 660-16) recommending that H.B. No. 2561, 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. 2561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 661-16) recommending that H.B. No. 2350, 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. 2350, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I am going to vote no on this measure with some comments. This measure came to us as a result of apparently the Republican Congress, which we're supposed to be in compliance with an act they passed in 2014. That just goes to show I'm an equal opportunity critiquer, Mr. Speaker, because this certainly doesn't fit with the spirit of Hawaii.

"And what I mean by that, Mr. Speaker, as a former foster parent for about five years, you are a parent. You're not a resource caregiver, which is what this changes the name to. I wasn't a resource caregiver when I stayed up twice all night in the hospital, when my son and then literally two weeks later my daughter had their appendix taken out. You're not a resource caregiver.

"These children become part of your family, your *'ohana*, which is a very uniquely Hawaiian concept. Your *'ohana*. You are a foster parent. When these children come to you, and the bill alludes to this on page 3, they are battered. They are bruised. Both literally and figuratively in most cases. They want the security of a parent. They long for that.

"To amplify that, when the girls came, separate day from when the boys, my wife called me. She said, honey, the girls are here, you need to come home. We were the fifth home that these children were placed in. I walked in the door, ages 7 and 5, never met me before, they both ran to me, simultaneously, wrapped their arms around my legs and said, can we call you daddy?

"Not resource caregiver. Daddy. We are taking the term parent out of here. We want people to be parents, we want them to act as parents. And so that's why I say no."

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

"With reservations. I just need time to study the implications of changing those two words and what it's going to do to the process. Thank you."

Representative Ward 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. 2350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tupola and Ward voting aye with reservations, with Representative McDermott voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 662-16) recommending that H.B. No. 2503, 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. 2503, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I offer my comment for the Journal with reservations on HB 2503, HD 1. With the Child Protection Act, Chapter 587A and Section 346-10(f), HRS, solidly in place, it is my belief that this measure isn't necessary. The protection of resource home families and the foster children placed within these homes is very important to the Department of Human Services to keep children within their program safe and under good care."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Jordan voting aye with reservations, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 663-16) recommending that H.B. No. 1634 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. 1634 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, please register a no vote for me. This lowers the tax on a product that causes cancer."

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

"With strong reservations."

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

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

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

Representative Fukumoto Chang 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."

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

Representative Oshiro rose in opposition to the measure and asked that the remarks of Representative Takayama be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative DeCoite rose in opposition to the measure and asked that the remarks of Representative Takayama be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

"Reservations, and also would like to clarify a mistake in the committee report. What we meant to say was to have the funding, should the Committee on Finance look at this, go to the UH Cancer Center. Thank you."

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

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

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

Representative LoPresti rose in opposition to the measure and asked that the remarks of Representative Takayama be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Strong support. Written comments."

Representative Brower's written remarks are as follows:

"Is it ironic to anyone else that the House seems to be encouraging people to smoke medicinal marijuana but is discouraging people from smoking cigars?"

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

"Thank you, Mr. Speaker, with reservations. Just a few comments, because I think I have enough comments going to the Journal. I just want to say that, at some point in time we really need to start looking at taxing cigarettes or cigars as a way of driving revenue.

"I understand what it does to our health industry going forward, but as we start moving the age to 21 and doing these 'don't smoke' campaigns with our youth and people beginning to understand how horrific it is upon our health, those dollars are really declining in those special funds and we really need to start looking at it.

"So at some point in time, we need to have better conversation on this. My biggest objection is, yeah, we're not collecting the tax that we need to collect. So, with reservations and I look forward to Finance. Thank you."

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

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

"No vote, please. Smoking is the biggest preventable single cause of illness and death in the United States. It costs a great deal. Estimated health and social cost of one pack of cigarettes is \$19, and that's the low estimate. Everyone who is involved in health insurance, in group life insurance, everyone who pays taxes for Medicaid, VA, Medicare, *et cetera*, are essentially subsidizing smokers. Thank you."

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

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

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

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

"Ruling of a possible conflict of interest. Smoked a cigar before coming here and I'll smoke one after. Thank you, sir," 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. 1634, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was

referred to the Committee on Finance, with Representatives Aquino, Belatti, Creagan, Cullen, Fukumoto Chang, Ichiyama, Jordan, Matsumoto, McKelvey, Pouha, Rhoads, San Buenaventura, Tupola, Ward, Woodson and Yamane voting aye with reservations, with Representatives Choy, DeCoite, Kobayashi, LoPresti, Oshiro and Takayama voting no, and with Representatives Nakashima, Thielen and Tokioka being excused.

Representatives Belatti and Rhoads, for the Committee on Health and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 664-16) recommending that H.B. No. 2707, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2707, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Kawakami rose to disclose a potential conflict of interest. [Note: See Stand. Com. Rep. No. 611-16, H.B. No. 1829, for conflict and ruling.]

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

"Mr. Speaker, strong reservations, or a no vote. I am still making up my mind. Because on page 3, line 8 and 9 it says, the medical marijuana advisory commission will kick in July 1, 2017. Mr. Speaker, I think because the licenses, whoever gets them, is going to kick in this summer, 2016, if not June, July or August, therefore this advisory commission which is going to be in charge with monitoring and evaluating the cultivation and the dispensing of medical marijuana and the program's established rules and regulations, in other words this is the overseer, they should be at the get go, not after the horses are out of the gate.

"So, Mr. Speaker, I would hope the next committee would look at this as it should be co-terminus and not actually by a year afterwards. This says no later than July 1, but it should specify, when the marijuana dispensaries are open, the advisory committee should be open for business for their evaluation. Otherwise, some of the stuff that they're doing is going to come in a year later potentially with this bill, and say, oh well, you know, we put all this money into this equipment and you should have told us earlier.

"Mr. Speaker, this doesn't make sense. Sometimes we do those things and forget about the details. For those reasons, I am with serious reservations. Thank you."

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

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

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

"Thank you, Mr. Speaker. In support, but I do find it funny that this body seems to be encouraging medicinal marijuana smoking and discouraging cigar smoking. Thank you."

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

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

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

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

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

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

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

Representative Creagan 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 Committees was adopted and H.B. No. 2707, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Second Reading and was referred to the Committee on Finance, with Representatives Creagan, DeCoite, Jordan, Matsumoto, Say and Ward voting aye with reservations, with Representatives Choy, Har, McDermott, Oshiro and Tupola voting no, and with Representatives Kawakami, Nakashima, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 665-16) recommending that H.B. No. 1726 pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1726 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At 1:36 o'clock p.m., Representative Jordan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:37 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO MURDER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Nakashima, Say, Thielen and Tokioka being excused.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
2106	Committee on Judiciary, then to the Committee on Finance
2114, SD1	Committee on Judiciary, then to the Committee on Finance
2117, SD1	Committee on Judiciary, then to the Committee on Finance
2540	Committee on Health, then to the Committee on Finance
2552, SD1	Committee on Finance
2553	Committee on Finance

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>
1655, HD1	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, then to the Committee on Finance
2036, HD1	Committee on Water & Land, then to the Committee on Finance
2369	Committee on Labor & Public Employment, then to the Committee on Finance
2544, HD1	Committee on Economic Development & Business, then to the Committee on Finance
2715, HD1	Committee on Labor & Public Employment, then to the Committee on Finance
2772, HD1	Committee on Higher Education, then to the Committee on Finance

ADJOURNMENT

At 1:38 o'clock, on motion by Representative Evans, seconded by Representative Pouha and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, February 22, 2016. (Representatives Nakashima, Say, Thielen and Tokioka were excused.)