

TWENTY-SIXTH DAY

Thursday, March 10, 2016

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

The invocation was delivered by the Freshman Legislators, after which the Roll was called showing all Members present with the exception of Representatives Say and Woodson, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 87 through 351) were received and announced by the Clerk:

Sen. Com. No. 87, transmitting S.B. No. 83, SD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 88, transmitting S.B. No. 668, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 89, transmitting S.B. No. 814, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 90, transmitting S.B. No. 1000, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 91, transmitting S.B. No. 1311, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 92, transmitting S.B. No. 2026, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 93, transmitting S.B. No. 2029, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 94, transmitting S.B. No. 2030, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 95, transmitting S.B. No. 2076, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 96, transmitting S.B. No. 2077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION BENEFITS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 97, transmitting S.B. No. 2083, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 98, transmitting S.B. No. 2085, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 99, transmitting S.B. No. 2100, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT JUDGES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 100, transmitting S.B. No. 2101, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT SMALL CLAIMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 101, transmitting S.B. No. 2103, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 102, transmitting S.B. No. 2104, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF RESTITUTION FOR CRIME VICTIMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 103, transmitting S.B. No. 2112, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 104, transmitting S.B. No. 2113, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 105, transmitting S.B. No. 2121, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 106, transmitting S.B. No. 2123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 107, transmitting S.B. No. 2131, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 108, transmitting S.B. No. 2135, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 109, transmitting S.B. No. 2137, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 110, transmitting S.B. No. 2149, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 111, transmitting S.B. No. 2153, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 112, transmitting S.B. No. 2156, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 113, transmitting S.B. No. 2162, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 114, transmitting S.B. No. 2163, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 115, transmitting S.B. No. 2181, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 116, transmitting S.B. No. 2193, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 117, transmitting S.B. No. 2196, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 118, transmitting S.B. No. 2213, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 119, transmitting S.B. No. 2217, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 120, transmitting S.B. No. 2231, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 121, transmitting S.B. No. 2232, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 122, transmitting S.B. No. 2240, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO REESTABLISH A VECTOR CONTROL BRANCH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 123, transmitting S.B. No. 2244, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 124, transmitting S.B. No. 2246, entitled: "A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 125, transmitting S.B. No. 2247, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 126, transmitting S.B. No. 2249, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WAILUKU PROPERTIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 127, transmitting S.B. No. 2257, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 128, transmitting S.B. No. 2271, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 129, transmitting S.B. No. 2277, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR GOODWILL INDUSTRIES OF HAWAII, INC.," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 130, transmitting S.B. No. 2294, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 131, transmitting S.B. No. 2301, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KEAHOLE MANAGEMENT GROUP LLC," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 132, transmitting S.B. No. 2302, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DARK SKIES PROTECTION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 133, transmitting S.B. No. 2309, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 134, transmitting S.B. No. 2313, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 135, transmitting S.B. No. 2315, SD 2, entitled: "A BILL FOR AN ACT RELATING TO JURY DUTY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 136, transmitting S.B. No. 2317, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 137, transmitting S.B. No. 2318, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADDRESS CONFIDENTIALITY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 138, transmitting S.B. No. 2321, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 139, transmitting S.B. No. 2323, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE OF HEALTH SCREENINGS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 140, transmitting S.B. No. 2328, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEE ADVERTISING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 141, transmitting S.B. No. 2329, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY INTERESTS IN REAL PROPERTY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 142, transmitting S.B. No. 2330, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 143, transmitting S.B. No. 2343, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 144, transmitting S.B. No. 2346, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 145, transmitting S.B. No. 2355, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 146, transmitting S.B. No. 2366, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT EVIDENCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 147, transmitting S.B. No. 2375, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 148, transmitting S.B. No. 2376, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUG BENEFITS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 149, transmitting S.B. No. 2384, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING INSPECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 150, transmitting S.B. No. 2385, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BEVERAGES FOR CHILDREN," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 151, transmitting S.B. No. 2387, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL EXAMINATIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 152, transmitting S.B. No. 2388, entitled: "A BILL FOR AN ACT RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE SPECIAL FUND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 153, transmitting S.B. No. 2389, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 154, transmitting S.B. No. 2390, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 155, transmitting S.B. No. 2392, SD 2, entitled: "A BILL FOR AN ACT RELATING TO OPIOID ANTAGONISTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 156, transmitting S.B. No. 2394, entitled: "A BILL FOR AN ACT RELATING TO INFLUENZA IMMUNIZATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 157, transmitting S.B. No. 2396, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 158, transmitting S.B. No. 2397, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCHARGE PLANNING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 159, transmitting S.B. No. 2398, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 160, transmitting S.B. No. 2408, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 161, transmitting S.B. No. 2411, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT CAMERAS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 162, transmitting S.B. No. 2419, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF HAWAII," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 163, transmitting S.B. No. 2425, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 164, transmitting S.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO STUDENT MEALS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 165, transmitting S.B. No. 2428, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 166, transmitting S.B. No. 2438, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 167, transmitting S.B. No. 2439, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 168, transmitting S.B. No. 2442, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH DAY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 169, transmitting S.B. No. 2444, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 170, transmitting S.B. No. 2446, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 171, transmitting S.B. No. 2448, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 172, transmitting S.B. No. 2451, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 183, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 173, transmitting S.B. No. 2454, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 174, transmitting S.B. No. 2462, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HONOKOHAU SMALL BOAT HARBOR," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 175, transmitting S.B. No. 2476, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 176, transmitting S.B. No. 2483, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 177, transmitting S.B. No. 2493, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 178, transmitting S.B. No. 2494, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 179, transmitting S.B. No. 2495, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 180, transmitting S.B. No. 2496, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 181, transmitting S.B. No. 2498, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 182, transmitting S.B. No. 2501, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 183, transmitting S.B. No. 2504, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INNOVATION BUSINESS INTERACTION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 184, transmitting S.B. No. 2512, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 185, transmitting S.B. No. 2522, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 186, transmitting S.B. No. 2523, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 187, transmitting S.B. No. 2535, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 188, transmitting S.B. No. 2542, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REPAIR AND MAINTENANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 189, transmitting S.B. No. 2544, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 190, transmitting S.B. No. 2547, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 191, transmitting S.B. No. 2554, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE DISPOSITION OF EXCESS REVENUES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 192, transmitting S.B. No. 2556, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ANNUAL REQUIRED CONTRIBUTION FOR THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 193, transmitting S.B. No. 2557, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONCUSSIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 194, transmitting S.B. No. 2559, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 195, transmitting S.B. No. 2560, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 196, transmitting S.B. No. 2561, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 197, transmitting S.B. No. 2562, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC REAL PROPERTY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 198, transmitting S.B. No. 2563, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 199, transmitting S.B. No. 2566, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 200, transmitting S.B. No. 2569, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 201, transmitting S.B. No. 2570, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RAPID RE-HOUSING ASSISTANCE PROGRAM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 202, transmitting S.B. No. 2580, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 203, transmitting S.B. No. 2582, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 204, transmitting S.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO COMPOSTING TOILETS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 205, transmitting S.B. No. 2600, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 206, transmitting S.B. No. 2603, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR EARLY LEARNING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 207, transmitting S.B. No. 2604, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A MICROGRID PILOT PROJECT FOR SCHOOLS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 208, transmitting S.B. No. 2607, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT DATA MANAGEMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 209, transmitting S.B. No. 2611, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 210, transmitting S.B. No. 2615, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 211, transmitting S.B. No. 2618, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 212, transmitting S.B. No. 2620, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 213, transmitting S.B. No. 2624, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 214, transmitting S.B. No. 2630, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 215, transmitting S.B. No. 2638, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE COUNCIL," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 216, transmitting S.B. No. 2639, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 217, transmitting S.B. No. 2645, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER AUDITS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 218, transmitting S.B. No. 2652, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 219, transmitting S.B. No. 2659, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 220, transmitting S.B. No. 2661, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 221, transmitting S.B. No. 2666, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 222, transmitting S.B. No. 2667, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 223, transmitting S.B. No. 2668, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 224, transmitting S.B. No. 2669, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 225, transmitting S.B. No. 2672, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 226, transmitting S.B. No. 2673, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 227, transmitting S.B. No. 2677, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 228, transmitting S.B. No. 2679, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 229, transmitting S.B. No. 2681, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 230, transmitting S.B. No. 2684, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 231, transmitting S.B. No. 2685, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 232, transmitting S.B. No. 2687, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 233, transmitting S.B. No. 2688, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF E-LIQUID," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 234, transmitting S.B. No. 2689, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 245, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 235, transmitting S.B. No. 2690, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 245, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 236, transmitting S.B. No. 2691, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 245, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 237, transmitting S.B. No. 2715, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 238, transmitting S.B. No. 2724, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 239, transmitting S.B. No. 2731, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 240, transmitting S.B. No. 2738, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 241, transmitting S.B. No. 2755, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 242, transmitting S.B. No. 2767, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 243, transmitting S.B. No. 2773, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA+ CHALLENGE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 244, transmitting S.B. No. 2776, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 245, transmitting S.B. No. 2780, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 246, transmitting S.B. No. 2782, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 247, transmitting S.B. No. 2787, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 248, transmitting S.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 249, transmitting S.B. No. 2791, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 250, transmitting S.B. No. 2793, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 251, transmitting S.B. No. 2797, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 252, transmitting S.B. No. 2799, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 253, transmitting S.B. No. 2800, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 254, transmitting S.B. No. 2802, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING ON PRIVATE LANDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 255, transmitting S.B. No. 2803, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL LOAN REVOLVING FUND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 256, transmitting S.B. No. 2804, SD 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIG ISLAND DAIRY, LLC," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 257, transmitting S.B. No. 2805, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 258, transmitting S.B. No. 2807, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE TECHNOLOGY SERVICES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 259, transmitting S.B. No. 2810, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION IN PATERNITY CASES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 260, transmitting S.B. No. 2811, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 261, transmitting S.B. No. 2812, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 262, transmitting S.B. No. 2813, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 263, transmitting S.B. No. 2815, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 264, transmitting S.B. No. 2816, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 265, transmitting S.B. No. 2822, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 266, transmitting S.B. No. 2829, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 267, transmitting S.B. No. 2833, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LOW-INCOME HOUSING TAX CREDIT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 268, transmitting S.B. No. 2838, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 269, transmitting S.B. No. 2839, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 270, transmitting S.B. No. 2844, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF EXCESS REVENUES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 271, transmitting S.B. No. 2845, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO REPAY GENERAL FUND CASH ADVANCES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 272, transmitting S.B. No. 2848, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 273, transmitting S.B. No. 2850, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE INDUSTRY REGULATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 274, transmitting S.B. No. 2851, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 275, transmitting S.B. No. 2852, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE HOLDING COMPANY SYSTEM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 276, transmitting S.B. No. 2853, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 277, transmitting S.B. No. 2854, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 278, transmitting S.B. No. 2855, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE RESCUE FRAUD," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 279, transmitting S.B. No. 2857, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 280, transmitting S.B. No. 2858, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 281, transmitting S.B. No. 2859, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 282, transmitting S.B. No. 2861, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 283, transmitting S.B. No. 2863, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 284, transmitting S.B. No. 2864, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN DISCIPLINE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 285, transmitting S.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 286, transmitting S.B. No. 2873, entitled: "A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 287, transmitting S.B. No. 2876, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 288, transmitting S.B. No. 2878, SD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 289, transmitting S.B. No. 2885, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 290, transmitting S.B. No. 2886, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 291, transmitting S.B. No. 2888, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH PROCEDURES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 292, transmitting S.B. No. 2894, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 293, transmitting S.B. No. 2895, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 294, transmitting S.B. No. 2896, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 295, transmitting S.B. No. 2898, SD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE STATE TO COMPLY WITH THE AFFORDABLE CARE ACT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 296, transmitting S.B. No. 2904, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC MITIGATION BANKS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 297, transmitting S.B. No. 2906, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 298, transmitting S.B. No. 2910, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE COMMISSIONERS OF DEEDS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 299, transmitting S.B. No. 2912, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 300, transmitting S.B. No. 2914, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 301, transmitting S.B. No. 2915, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 302, transmitting S.B. No. 2916, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 303, transmitting S.B. No. 2923, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 304, transmitting S.B. No. 2924, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF TAX RETURN INFORMATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 305, transmitting S.B. No. 2925, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADJUSTMENTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 306, transmitting S.B. No. 2928, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX REPORTING FOR SPECIAL EVENTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 307, transmitting S.B. No. 2931, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 308, transmitting S.B. No. 2934, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 309, transmitting S.B. No. 2938, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 310, transmitting S.B. No. 2940, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRANSFER AT THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 311, transmitting S.B. No. 2943, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 312, transmitting S.B. No. 2946, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INDIGENOUS HAWAIIAN ARCHITECTURE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 313, transmitting S.B. No. 2954, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 314, transmitting S.B. No. 2955, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 315, transmitting S.B. No. 2956, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 316, transmitting S.B. No. 2961, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 317, transmitting S.B. No. 2964, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 318, transmitting S.B. No. 2972, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH MANAGEMENT FOR THE NORTH SHORE OF OAHU," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 319, transmitting S.B. No. 2976, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOL," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 320, transmitting S.B. No. 2981, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 321, transmitting S.B. No. 2983, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR UKUMEHAME RESERVOIRS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 322, transmitting S.B. No. 2987, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 323, transmitting S.B. No. 2998, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 324, transmitting S.B. No. 3000, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 325, transmitting S.B. No. 3011, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 326, transmitting S.B. No. 3017, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 327, transmitting S.B. No. 3033, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SELF-STORAGE FACILITIES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 328, transmitting S.B. No. 3034, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF CONSTITUTION OF THE STATE OF HAWAII TO ESTABLISH RIGHTS FOR VICTIMS OF CRIMES," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 329, transmitting S.B. No. 3036, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 330, transmitting S.B. No. 3037, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIPOA POINT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 331, transmitting S.B. No. 3038, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 332, transmitting S.B. No. 3070, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 333, transmitting S.B. No. 3072, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AN AIRPORT AUTHORITY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 334, transmitting S.B. No. 3073, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 335, transmitting S.B. No. 3076, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE COMMUNITY PLAN," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 336, transmitting S.B. No. 3077, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE COMMUNITY PLANNING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 337, transmitting S.B. No. 3080, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 338, transmitting S.B. No. 3081, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 339, transmitting S.B. No. 3084, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 340, transmitting S.B. No. 3085, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 341, transmitting S.B. No. 3092, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 342, transmitting S.B. No. 3099, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 343, transmitting S.B. No. 3101, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE PARTNERSHIPS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 344, transmitting S.B. No. 3102, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 345, transmitting S.B. No. 3105, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE REFERRALS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 346, transmitting S.B. No. 3108, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 347, transmitting S.B. No. 3109, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MANUFACTURING," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 348, transmitting S.B. No. 3110, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 349, transmitting S.B. No. 3112, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VIETNAM WAR COMMEMORATION," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 350, transmitting S.B. No. 3113, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE," which passed Third Reading in the Senate on March 8, 2016.

Sen. Com. No. 351, transmitting S.B. No. 3126, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," which passed Third Reading in the Senate on March 8, 2016.

On motion by Representative Evans, seconded by Representative Pouha and carried, the following Senate Bills received by the Clerk passed First Reading by title and further action was deferred: (Representatives Say and Woodson were excused.)

S.B. No. 83, SD 1
 S.B. No. 668, SD 1
 S.B. No. 814, SD 1
 S.B. No. 1000, SD 1
 S.B. No. 1311, SD 2
 S.B. No. 2026, SD 2
 S.B. No. 2029
 S.B. No. 2030, SD 1
 S.B. No. 2076, SD 2
 S.B. No. 2077, SD 1
 S.B. No. 2083, SD 1
 S.B. No. 2085, SD 2
 S.B. No. 2100, SD 2
 S.B. No. 2101, SD 1
 S.B. No. 2103, SD 1
 S.B. No. 2104, SD 2
 S.B. No. 2112, SD 1
 S.B. No. 2113, SD 1
 S.B. No. 2121, SD 1
 S.B. No. 2123, SD 1
 S.B. No. 2131, SD 2
 S.B. No. 2135
 S.B. No. 2137, SD 2
 S.B. No. 2149, SD 2
 S.B. No. 2153, SD 1
 S.B. No. 2156, SD 1
 S.B. No. 2162, SD 2
 S.B. No. 2163, SD 2
 S.B. No. 2181, SD 2
 S.B. No. 2193, SD 2
 S.B. No. 2196, SD 2
 S.B. No. 2213, SD 2
 S.B. No. 2217, SD 2
 S.B. No. 2231
 S.B. No. 2232, SD 2
 S.B. No. 2240, SD 1
 S.B. No. 2244, SD 1
 S.B. No. 2246
 S.B. No. 2247, SD 1
 S.B. No. 2249, SD 2
 S.B. No. 2257, SD 1
 S.B. No. 2271, SD 2
 S.B. No. 2277
 S.B. No. 2294, SD 2
 S.B. No. 2301, SD 1
 S.B. No. 2302, SD 1
 S.B. No. 2309, SD 2
 S.B. No. 2313, SD 2
 S.B. No. 2315, SD 2
 S.B. No. 2317, SD 2
 S.B. No. 2318, SD 2
 S.B. No. 2321, SD 2
 S.B. No. 2323, SD 2
 S.B. No. 2328, SD 1
 S.B. No. 2329, SD 1
 S.B. No. 2330, SD 2
 S.B. No. 2343, SD 1
 S.B. No. 2346, SD 2
 S.B. No. 2355, SD 2
 S.B. No. 2366, SD 1
 S.B. No. 2375, SD 1
 S.B. No. 2376, SD 1
 S.B. No. 2384, SD 1
 S.B. No. 2385, SD 1
 S.B. No. 2387, SD 2
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S.B. No. 3113, SD 1
S.B. No. 3126, SD 2
S.B. No. 2369
S.B. No. 2372, SD 3
S.B. No. 2693, SD 3

INTRODUCTIONS

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

Representative Ward introduced Mr. William Aila, Jr., Deputy Director, Department of Hawaiian Home Lands.

Representative San Buenaventura introduced visitor from San Francisco, Mr. Holland Weigel.

ORDER OF THE DAY**SUSPENSION OF RULES**

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

UNFINISHED BUSINESS

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1013-16) recommending that H.B. No. 1932, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1932, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I stand in strong support. This bill does more than honor our constitutional obligation that each of us has taken to uphold. Section 1 of Article XII clearly states that the Legislature shall make sufficient funds 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 to 1992, the State appropriated over \$4 million in general funds to DHHL for administrative and operating costs.

"Between fiscal years 1997 and 2009, the State appropriated less than \$1.6 million per year in general funds to DHHL for its administrative and operating budget. And in fiscal year 2010 to 2013, the Legislature appropriated no general funds for DHHL's administrative and operating budget.

"After the supreme court 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 history of funding, I ask my colleagues to take this historic step in complying with the constitutional mandate and providing sufficient funds to DHHL for administration and operating costs.

"I do know that as of today, the director and the Governor and leadership has taken an important role in ironing out some of the measures. And hopefully when all is said and done, that this body and this committee would find to see that that funding would maybe be in excess of \$28 million. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with weak support, strong reservations. Mr. Speaker, I often call this the marketplace of ideas, but this product here is a half a loaf. It's a half a loaf of bread, Mr. Speaker. It doesn't actually get where it should be going.

"Number one, it's a reimbursement. It doesn't even say that we owe \$28 million, which it should. And the preamble is missing in terms of what the Nelson case that my colleague just referred to. That stipulates sufficient funding as shall, not a 'may', but a 'shall' fund \$28 million to the Department of Hawaiian Home Lands.

"Mr. Speaker, this continues the short-circuiting, the half a loaf of bread that we've given to DHHL, and I don't need to cite their statistic but I'm going to do it for the sake of getting my colleagues to realize how serious this situation is.

"For 96 years, they've put 9,378 people onto the home lands. That's how many leases exist. Twenty-seven thousand Hawaiians are waiting right now as we speak, Mr. Speaker, on the waitlist. Why are we dithering with a bill like this when the courts have already said, after it's gone through for almost nine years of adjudication, that we are going to equivocate? And I must say, if equivocation is the word, the Chair of Finance has said, look, we'll do this reimbursement and then we'll look at the budget and then we'll see how much, she didn't say this but implied, how much is left over, and then we'll settle the Nelson case.

"Mr. Speaker, I know you went to one of the Nelson hearings, or not an actual hearing, but it was when you attempted with the Governor to have a reconsideration of the Castagnetti decision. I know you went to get an amicus, you got the amicus, but I should remind Members that the reconsideration, or turning the Castagnetti decision upside down, was not granted.

"And if anything was granted, and I know people have kind of bragged that, oh, we won and we're in a good position, we don't have to pay \$28 million, the findings of fact in that case that still exist, that is alive and well that we are under obligation to fulfill, is \$28 million. What was vacated was the term in the first part of the finding that said, the Legislature is stipulated, or whatever the word was, to fund \$28 million.

"Mr. Speaker, that's the equivalent of taking the number six out and writing in the word 'half-a-dozen'. She euphemized it, put it in different terms. So Mr. Speaker, we are obliged to do this \$28 million.

"Yesterday I was accused in the Finance Committee of being confused about this bill and the state budget. Well, both of them have zeroes. This one has a zero in it, the state budget has a zero in it, and we're supposed to say that the constitutional mandate to fund DHHL is satisfied? Mr. Speaker, we are not that naive. You can't have it both ways. Either it's in this bill, \$28 million, or it's in the state executive budget. And right now, it's in neither.

"For those reasons, Mr. Speaker, I don't see how in good conscience we can stand here and not vote this up, but also vote it up in the state budget so we know that we're not playing games with the Hawaiians again. For those reasons, Mr. Speaker, I hope everyone votes their conscience. For 96 years this body has not done its obligation. I think that's enough, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. I'd like to adopt the words of the previous speaker and ask that they be entered into the record as if they were my own. I'd also like to personally thank the previous speaker for his unending and undying support of Native Hawaiians and the Native Hawaiian community, on behalf of my constituents and a hundred generations of Hawaiians who've lived on this island before me. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I rise in support. I would like to adopt the words of the speaker from Hawaii Kai as if they were my own, with additional comment," and the Chair "so ordered." (By reference only.)

Representative Tupola continued, stating:

"Of the four things that the Legislature is mandated to do, the judge's ruling only fixed one of them. There are still three that we're insufficient on doing for the Department of Hawaiian Home Lands. And because of the deficiency of funds that the Department of Hawaiian Home Lands has gotten, they've had to use their operating funds to do infrastructure, to pay for other costs that weren't operating costs.

"So, if this money is actually funded back to the operating cost, it is in fact true that they'll be able to put the right amount of money towards infrastructure. Right now, it costs \$200,000 to do infrastructure per lot on Hawaiian home lands. Two hundred thousand for one home. Just for the infrastructure. Not for the house, not for the loan, not for anything else, just to build, because they take care of the roads, the sewer, the water. So for a 100 lot, for a 1,000 lot, you can already imagine we're already in the millions, just to build the infrastructure.

"It is so important that we get the funding back for operational costs so that the actual money that needs to go to infrastructure can go there. On top of that, it is absolutely true that we've never ever funded Department of Hawaiian Home Lands to the extent that we should. The most that they've ever gotten is \$9 million, and I think for the deficiency from the year that it was supposed to be from 'may' to 'shall' all the way up to now, it's the very least we can do to help the Department of Hawaiian Home Lands.

"And I feel like this whole time, especially people in my community have always kind of cast this shadow over them, thinking that they're so corrupt, they're not helping us, there's all these people on the list, but the reasons why is because that didn't have sufficient funding. They didn't have the means whereby from the very beginning to operate the way they should to help Hawaiians get into their homes, and that's the same issue that we talk about on this floor with homelessness. I can tell you because I know homeless people in my district, and 90% of them are Hawaiian. And so I know that a lot of these are not from the mainland or from Kakaako. It's our own people that need help.

"And so for those reasons, I vote in support. With the same sentiment as my colleague from Hawaii Kai, saying that this is absolutely overdue. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. Just for the record, this budget is blanked out because we're in negotiations right now to talk with the department to understand exactly what these funds are going to be used for. For me, and I think homesteaders across the State, we don't want to see trust funds tapped into, we don't want to rely on general leases or revocable permits.

"So we need to put the money in. But at the same time we need to be, just like any other department, very fiscally responsible in the way we allocate taxpayers' funds. So we want to make sure that this money is putting Hawaiians in homes, one.

"Secondly, there's been a lot of talk about us not doing our duty in the last nine years, or 20 years, or however so much. And I want to thank the department this year because previous directors, they didn't even ask for money. So in terms of what's sufficient, if they're asking for zero, if they're saying that's sufficient, then how is the Legislature supposed to put any more?

"With that being said, when previous administrations have zeroed out the budget, many Members in this House who are standing up now did not speak against that. They did not stand up for Hawaiians and give these rousing speeches that they are today. I feel like this is our chance to prove that, or to squash the misconception out there that the Legislature does not support Hawaiian homes.

"But at the same time, it's a chance for us to ensure that this money is being spent responsibly and efficiently, and in a way that it's actually going to get Hawaiians back on their lands. And for that reason, I don't have reservations about the zero amount. I think there's a lot of work that still needs to be done in order for us to come up with a concrete plan of how to move forward.

"I want to commend the Director of the Department of Hawaiian Home Lands for expressing, telling me in my office and in the committee room that if we were to put this much money in, they won't need to tap into trust funds anymore, and as a matter of fact, they will not. Thank you."

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

"Thank you, Mr. Speaker. I wasn't going to speak on this bill, but I would like to just share a few comments. As one of those 27,000 families on the list, I am grateful that this body is having this discussion at this time. I am not going to declare a conflict, because I don't think it applies, but be it what it may.

"I would like to first adopt the words of the Representative from Molokai as if they were my own. And also the Representative from Kihei as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Pouha continued, stating:

"Some of the issues that haven't been raised, and this is from my discussions with the leadership from the Department of Hawaiian Home Lands, is that some people on the list want specific parcels of land. Unfortunately, those specific parcels of land are not yet ready. And that's why we've talked about some of the infrastructure needs. But some of these people on the list want parcels that are already fully developed, but unfortunately no inventory is currently available.

"So again, I am grateful that we have this bill, and I am in support of this bill so that we can continue to have this discussion.

"Now, we're not trying to blame previous legislatures, but the fact of the matter is that we have an opportunity moving forward to fund this. And to do it in an agreeable manner, as we do with any other appropriation that we make. So it's my hope that as we move forward, we can continue looking forward. Instead of looking at the problems, we can look at the opportunities and solutions before us. So for those reasons, Mr. Speaker, I am grateful for this and I am in support."

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

"Thank you, Mr. Speaker. First of all, may I have permission to submit written comments? I would also like to adopt the words of the Representative from Molokai, as well as Hawaii Kai as my very own," and the Chair "so ordered." (By reference only.)

Representative Oshiro continued, stating:

"But let me at first, to you, Mr. Speaker, let me thank you. I think you've always asked us to seek the role of being a statesman, of pulling our community together. Whether it deals with HC&S, or dealing with issues of other crises on Kauai, on Hawaii Island, you've always stressed that we should look beyond our own borders, our own communities, and look at what's the best interest of the State.

"And I really want to thank you for reconsidering the earlier positions of the House leadership to challenge Judge Castagnetti's decision. I know that initially there were concerns about maybe overreaching into the legislative role of appropriation and the purse strings. But I believe that Mark Bennett did an exceptional job in his amicus brief and brought to baring on her ruling the suggestion that although the court will ultimately have its authority to pronounce enforcement of its orders, especially those based upon a constitutional provision, that at the present time it may be premature to enjoin this body or the State to properly make compensation per her findings of fact and conclusions of law in her order.

"So I want to thank you for being bold enough to recognize the current ruling of the court and where we are today. I want to thank the House leadership for acknowledging the fact that while we're still in session and have two months away, we have the opportunity, and may I say the historic opportunity, to do what no previous legislators have done since statehood, the 1970 Constitutional Convention, the ratification of the constitutional provision to mandate the appropriation of sufficient funds for and to the Department of Hawaiian Home Lands.

"It tells me a lot about the character of you, Mr. Speaker, of this House leadership, acknowledging the instance of pronouncing justice for the Hawaiians and for all of Hawaii's people. So sincerely, I'm so happy to see this bill before us. I think it's a great day that we all acknowledge as a body the importance of moving this bill forward. And I have full faith and confidence in you, Mr. Speaker, and your leadership team, to bring this to a happy and just conclusion in this session. Thank you."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, at the outset, I would like to thank you for your indulgence to submit written comments regarding House Standing Committee Report No. 1013-16, House Bill No. 1932, House Draft 2. This bill is one of extraordinary importance; therefore, it is important to clarify and update this House, its Members, and the public as to the most recent ruling set forth by Judge Jeannette Castagnetti in *Nelson et. al. v. Hawaiian Homes Commission, et. al.*, Civil No. 07-1-1663-083, as it relates to House Bill 1932, House Draft 2. Indeed, contrary to recent comments made by my colleagues, and as further discussed below, this body is not absolved of its constitutional duty to fund DHHL's administrative and operating budget in the amount of \$28 million.

"As a starting point, and as reflected in House Standing Committee Report No. 1013-16, House Bill No. 1932, House Draft 2, the House Committee on Finance deleted the preamble of this Bill, which provided in pertinent part:

The legislature further finds that on November 27, 2015, the circuit court of the first circuit of the State of Hawaii issued its Findings of Fact, Conclusions of Law, and Order in Nelson v. Hawaiian Homes Comm'n, Civil No. 07-1-1663-083. The circuit court found that since 1978, the legislature has not appropriated enough general funds to pay for the department of Hawaiian home lands' administrative and operating expenses. The circuit court noted that the legislature appropriated \$9,632,000 in general funds to the department of Hawaiian home lands for administrative and operating expenses for fiscal year 2015–2016, which was less than the department's request for \$28,478,966 in general funds. The court determined that the department of Hawaiian home lands "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 2015–16" in general funds for the department of Hawaiian home lands' administrative and operating budget.

The 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.

The legislature intends that the appropriation in this Act be made in addition to the appropriations made to the department of Hawaiian home lands in Act 119, Session Laws of Hawaii 2015.

"In light of the conspicuous absence of the substantial legal underpinnings of *Nelson v. Hawaiian Homes Comm'n* in House Bill 1932, House Draft 2, it is essential to reflect, in this record, the fully developed findings and rulings of the Court as of this date. An exhaustive legal history of the *Nelson* case was previously set forth in my written comments on House Standing Committee Report No. 600-16 on House Bill No. 1932, House Draft 1, and is incorporated herein by this reference. More important for the purposes here, and since Second Reading, a

hearing was held on February 26, 2016, in the First Circuit Court, on both the State Defendants filed a MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER and the Legislature's AMICUS CURIAE BRIEF IN SUPPORT OF STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR ALTER OR AMEND THE JUDGMENT AND ORDER OF THE CIRCUIT COURT. Attorney Mark Bennett presented oral argument on behalf of the Legislature advancing that the Court's November 27, 2015 Findings of Fact, Conclusions of Law, and Order, was improper under the doctrine of Separation of Powers because it amounted to an order for the Legislature to appropriate funds.

"Recognizing the importance and time-sensitive nature of the issues before the Court, Judge Castagnetti issued an oral ruling on February 28, 2016. [See, attached hereto is the Transcript of Proceedings – Court's Ruling Only on State's Motion for Reconsideration, State's Motion for Reduction of Clerk's Taxation of Costs (As published in Civil Beat, March 2, 2016)].

"In addressing the motion for reconsideration on the grounds on separation of powers, the Court stated:

...[A]s the separation of powers doctrine pertains to the judicial branch's authority in reviewing the actions taken by the State, the Hawai'i Supreme Court has said, "As a general rule, the role of the court in supervising the activity of the Legislature is confined to seeing the actions of the Legislature do not violate any constitutional provision. The courts will not interfere with the conduct of legislative affairs in absence of a constitutional mandate to do so or unless the procedure or the result constitute a deprivation of constitutionally guaranteed rights." [citing, Schwad vs. Ariyoshi, 58 Hawaii 25, 37-38 (1977)].

The constitutional provision at issue in this case is the State's requirement to fund, to make sufficient sums available to the DHHL for its administrative and operating budget. This is not a typical case of the court reviewing a law or a statute for constitutionality. It involves an affirmative duty on the part of the State to sufficiently fund DHHL.

"The Court further iterated that:

...[T]he record of the trial shows, as I see it, is along the lines of what the Supreme Court has already said, the Department is and remains underfunded as to its administrative and operating budget.

So following Nelson 1 and Nelson 2 and after having a trial on the merits of this case, the Court did determine that the amounts appropriated by the State, even at current levels in this fiscal year, are insufficient. The amount does not even cover the DHHL's actual annual administrative and operating costs, which the Court found were \$18 million.

...[T]here was little or no evidence presented at trial explaining the factual and policy determinations that were made for the 9,632,000 appropriation and why that amount -- how that amount was determined to be sufficient. . .

The Court's findings of fact and conclusions of law rejected those arguments and they do not comply with the . . . State's constitutional duty to fund DHHL. [See, Transcript, p. 16].

"Accordingly, the Court orally held, and thereafter formally entered, pursuant to the March 8, 2016 ORDER DENYING IN PART AND GRANTING IN PART THE STATES DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER FILED DECEMBER 21, 2015, as follows:

(1) The Motion is DENIED insofar as the State Defendants seek reconsideration of the Court's determination that the sufficient sums for DHHL's administrative and operating budget is \$28 million or more than \$28 million for fiscal year 2015-2016 arguing that the

determination is based on insufficient evidence. The State Defendants raised the same arguments during trial or could have raised these arguments during trial. There is also substantial evidence in the trial record to support the Court's factual findings that sufficient funds for DHHL's administrative and operating budget for fiscal year 2015-2016 is \$28 million or more than \$28 million. The evidence at trial amply demonstrated that the amount DHHL requires for its administrative and operating budget for fiscal year 2015-2016 is more than \$28 million, specifically \$28,478,966.00, and that the amount appropriated by the Hawai'i State Legislature, \$9,632,00.00, was not sufficient.

"The Court further ordered, that:

(3) *The Motion is GRANTED only insofar as this Court has determined that modification of Paragraphs 3 and 5 of this Court's Order in its Findings of Fact, Conclusions of Law, and Order, filed November 27, 2015 ("Order") is appropriate such that the Court's Order is not construed in any form as an order for the Legislature to appropriate funds. To be clear, the Court is not ordering an appropriation. The Court is, however, ordering that the State of Hawai'i must comply with its constitutional duty to make sufficient sums available to DHHL for its administrative and operating budget. There is still time for the State of Hawai'i to become in compliance during this fiscal year. Paragraph 3 of the Order shall be modified to declare and order the following:*

Although what is sufficient will change over the years, the amount of general funds appropriated to DHHL for its administrative and operating budget for fiscal year 2015-2016 (\$9,632,000) is not sufficient. The State of Hawai'i is required to comply with the Hawai'i Constitution and must fund DHHL's administrative and operating expenses by making sufficient general funds available to DHHL for its administrative and operating budget for fiscal year 2015-2016.

Paragraph 5 of the Order shall be modified to declare and order the following:

The Defendants must fulfill their constitutional duty and trust responsibilities.

Paragraphs 1, 2, and 4 of the Order shall remain the same.

[See, attached ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED DECEMBER 21, 2015, p. 2-3; See also, Transcript at 19, 20; See also, the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER filed November 27, 2015].

"In other words, the ruling of the Court has remained unchanged in holding that:

- (1) The State of Hawaii 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 Hawaii Constitution.
- (2) The State of Hawaii 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.

"Therefore, it is clear through both the Court's oral ruling of February 28, 2016, and Order entered on March 8, 2016, that the modifications made were to clarify that the Court was not ordering the Legislature to appropriate; however, this was not meant to relieve the State of its obligation to provide sufficient sums to DHHL for its operating and administrative operating budget for fiscal year 2014-2015. Sufficient sums

was determined by the Court to be at least \$28 million. Insofar as the Court's March 8, 2016, ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED, DECEMBER 21, 2015, (hereafter "Order") has been misconstrued or misinterpreted to read that the Legislature has the discretion to fund DHHL less than what the Court found was the amount DHHL requires for its administrative and operating budget for fiscal year 2015-2016 in the amount of \$28,478,966.00; this is incorrect and not supported by the record in this case.

"There has been no amendment, alteration, or modification whatsoever to Judge Castagnetti's Findings of Fact issued in the Court's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER of November 27, 2015. [See, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER.] These findings remain unchanged and uncontroverted. Therefore, as we look to Paragraph 44, much guidance is provided. Unequivocally, the Court found that 'DHHL needs more than \$28 million annually for its administrative and operating budget for fiscal year 2015-16, not including repairs.' [See, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, p. 14, 44]. The evidence presented by DHHL was made with care, expertise, and sound judgment; and no evidence was provided to the contrary. [Id. at 14, 41].

"Finally, it is clear that the Court intended her Order to be injunctive in nature and stated as such. In the oral ruling, the Court explained that:

...[T]he Court does not agree that the only available judicial remedy is declaratory when the duty of the State at issue is a constitutional requirement or affirmative duty to provide sufficient or adequate funding to a State agency, and in particular a State agency that is tasked with fiduciary duties and responsibilities to trust beneficiaries. The Hawaii Supreme Court's decision in Nelson I believe supports this conclusion, as does this special, unique and extraordinary history and factual circumstances in this case. [See, Transcript, at 7].

"In fact, the Court concluded that:

...[D]eclaratory relief alone is not a sufficient remedy to the years of underfunding of the Department of Hawaiian Homelands that it has suffered and that a form of injunctive relief is appropriate and necessary for the State to comply with its constitutional mandate under Article XII, Section 1. [See, Transcript, 18.]

"As stated in the Court's Order, there is still time for the State of Hawaii to become in compliance during this fiscal year. In the words of Judge Castagnetti, and reflecting her profound respect for the separation of powers, she acknowledged that *'this Court takes seriously a claim of a constitutional foul or the Court overstepping its bounds by any co-equal branch of government, just as [the Court] would hope that any other co-equal branch of government would take seriously courts stating that the State has not lived up to its constitutional duties.'* [See, Transcript, p. 11].

"I suggest that the Legislature heed this sentiment, and in line with the Court's Order, appropriate the \$28 million necessary for the operating and administrative budget of DHHL. It is understood that there are ongoing discussions between the Department of Hawaiian Home Lands, the Attorney General, the Governor, and the Senate and House Leadership. Accordingly, the Legislature should facilitate these ongoing discussions and encourage the proper resolution in line with our Constitutional mandate pursuant to Article XII, Sec. 1 and in compliance with the First Circuit ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED, DECEMBER 21, 2015, as outlined above.

"In close, let me again thank you Mr. Speaker for taking another look at this *Nelson* case and heeding the advice of the recent ruling to seek and promote an appropriation consistent with both the letter and spirit of Judge Castagnetti's well-grounded and substantial decision and order."

Representative Oshiro also submitted the following documents:

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 2 STATE OF HAWAII
 3
 4 RICHARD NELSON, III, et al.,)
 5 Plaintiffs,)
 6 vs.) CIVIL NO.
 7 HAWAIIAN HOMES COMMISSION,) 07-1-1663
 8 et al.,)
 9 Defendants.)

10 TRANSCRIPT OF PROCEEDINGS
 11 before the Honorable JEANNETTE H. CASTAGNETTI, Judge,
 12 (Court's Ruling Only on State's Motion for Reconsideration
 13 State's Motion for Reduction of Clerk's
 14 Taxation of Costs)

14 APPEARANCES:
 15 DAVID K. FRANKEL, Esq. For the Plaintiffs
 16 SHARLA A. MANLEY, Esq.
 17 MELVYN M. MIYAGI, Esq. For the Commissioners
 18 ROSS T. SHINYAMA, Esq.
 19 CHARLEEN AINA, Esq. For the State of Hawai'i
 20 Deputy Attorney General
 21 MARK J. BENNETT, Esq. Amicus Curiae
 22 MATEO CABALLERO, Esq.

23 REPORTED BY
 24 PHYLLIS K. TSUKAYAMA, CSR-355
 25 OFFICIAL COURT REPORTER
 STATE OF HAWAII

PERMISSION TO COPY DENIED, HRS 606.13, etc. 2

1 Monday, February 29, 2016 2:02 PM
 2
 3 (Civil Number 07-1-1663 called.)
 4 MS. AINA: Good afternoon, Your Honor.
 5 Charleen Aina, deputy attorney general for the State of
 6 Hawai'i and the State's Director of Finance.
 7 THE COURT: Good afternoon.
 8 MR. BENNETT: Good afternoon, Your Honor.
 9 Mark Bennett and Mateo Caballero as attorneys for the
 10 Hawai'i Legislature, amicus curiae on the reconsideration
 11 motion only, Your Honor.
 12 THE COURT: Good afternoon.
 13 MR. MIYAGI: Good afternoon, Your Honor.
 14 Melvyn Miyagi and Ross Shinyama for Department of Hawaiian
 15 Homelands commissioners named individually. Also present
 16 is Chair Masagatani.
 17 THE COURT: Good afternoon.
 18 MR. FRANKEL: Good afternoon, Your Honor.
 19 David Frankel and Sharla Manley here on behalf of
 20 plaintiffs.
 21 THE COURT: Good afternoon. Okay. Have a
 22 seat, everyone.
 23 The purpose of today's hearing is just for the
 24 Court to issue an oral ruling on the State Defendant's
 25 motion for reconsideration as well as the Court's ruling on

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1 the State Defendant's motion for reduction of the clerk's
 2 taxation of costs.
 3 First let's take up the motion for
 4 reconsideration. Now, before the Court is the motion for
 5 reconsideration or to alter, amend the findings of fact,
 6 conclusions of law and order issued by the Court on
 7 November 27, 2015, following a bench trial on the merits of
 8 this case.
 9 The specific relief that the State seeks is to
 10 strike paragraphs, 1, 3 and 5 of the Court's order and to
 11 replace the paragraphs with a declaratory ruling that, one,
 12 that the Legislature has the exclusive prerogative to
 13 decide what amount of administrative and operating funding
 14 for DHHL is sufficient, and, two, judicial courts cannot
 15 order the Legislature to appropriate monies to DHHL. The
 16 State also requests that certain findings of fact,
 17 conclusions of law and the final judgment be altered or
 18 amended accordingly. And the bases for the request are
 19 two-fold, one, insufficient evidence, and, two, separation
 20 of powers.
 21 Now, the Court has reviewed the submissions of
 22 the parties as well as the amicus filing by the Hawai'i
 23 State Legislature, the responses to the amicus filing as
 24 well as the arguments that were presented at the hearing on
 25 Friday.

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1 And, first, this area is well settled, but let
 2 me just say it nonetheless. The standard of review on a
 3 motion for reconsideration is that a motion reconsideration
 4 is not a time to relitigate old matters or to raise
 5 arguments or evidence that could have been, should have
 6 been brought during the earlier proceeding. Rather, the
 7 purpose of the motion for reconsideration is to allow the
 8 parties to present new evidence and/or arguments that could
 9 not have been presented earlier.
 10 And insofar that the State seeks
 11 reconsideration of the Court's determination that the
 12 sufficient sums for DHHL's administrative and operating
 13 budget is 28 million or more than 28 million for fiscal
 14 year 2015 to 2016, based on the insufficient evidence, the
 15 motion is denied.
 16 The State essentially raised these arguments
 17 during trial or could have raised these arguments during
 18 trial. And notwithstanding this, there is substantial
 19 evidence in the trial record to support the Court's factual
 20 findings that sufficient funds for DHHL's administrative
 21 and operating budget for fiscal year 2015 to 2016 is 28
 22 million or more than 28 million. The evidence at trial
 23 amply demonstrated that the amount DHHL requires for its
 24 administrative and operating budget for this fiscal year is
 25 more than 28 million, specifically \$28,478,966.00, and that

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5

1 the amount appropriated by the Legislature, \$9,632,000.00
2 was not sufficient.

3 The Hawaiian Home Commission's chair
4 testified, as did DHHL's administrative services officer,
5 who as I recall from the trial has worked for DHHL for 20
6 to 30 years, I believe, and exhibits were received in
7 evidence, many of which were not objected to, that
8 establish and explain the breakdown for the amount
9 determined by the Court. The witnesses testified and
10 explained that DHHL's administrative and operating budget
11 was based on actual annual administrative and operating
12 expenses of the Department, which excluded costs or
13 expenses associated with Hawaiian Homestead lot development
14 loans and expenditures from the Native Hawaiian
15 Rehabilitation Fund.

16 There was evidence concerning the operational
17 shortfalls that the Department had been experiencing for
18 years, including staffing shortages because of a lack of
19 consistent funding from the State, which made it difficult
20 for DHHL to fill positions because in each budget cycle
21 DHHL did not know what level of funding would be provided
22 from the State.

23 The witnesses also testified as to the needs
24 of the Department going forward and there was evidence and
25 testimony that the amount was necessary so that DHHL could

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6

1 serve its beneficiaries, including the 27,000 qualified
2 beneficiaries that are still on DHHL's waiting list. The
3 witnesses' testimony in this regard was credible, reliable,
4 based on sound judgment, and persuasive.

5 The State was afforded opportunity to
6 cross-examine the witnesses, object to testimony and/or
7 exhibits at trial, and to present its own witnesses if it
8 wished to do so, which it did. The Court did not shift the
9 burden of proof to the State by pointing out that there was
10 no evidence that DHHL was wasting funds or by noting that
11 the Court did not rely on or find unpersuasive the audit
12 reports that the State submitted and the Court received
13 into evidence.

14 Given that at trial the State witnesses who
15 testified about the audit reports did not know and could
16 not explain the findings in the audit reports or how the
17 figures were derived at by the auditors, a trier of fact is
18 well within the bounds of its discretion to consider the
19 reports or determine the reports to be unhelpful and not
20 afford it any weight.

21 For all of these reasons, there is substantial
22 evidence in the trial record to support the Court's factual
23 finding of \$28 million or more than \$28 million is
24 sufficient for DHHL's administrative and operating budget
25 for fiscal year 2015 to -16, and the Court's finding was

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7

1 not clearly erroneous. Therefore, the motion for
2 reconsideration is denied on that ground.

3 As to the next ground, the separation of
4 powers issue, it has been presented and argued to the Court
5 that paragraphs 3 and 5 of the Court's order violate the
6 separation of powers doctrine because it amounts to an
7 order for the Legislature to appropriate funds and also
8 that the Court's authority in this case is limited to
9 declaratory relief only.

10 Respectfully, the Court does not agree that
11 the only available judicial remedy is declaratory when the
12 duty of the State at issue is a constitutional requirement
13 or an affirmative duty to provide sufficient or adequate
14 funding to a State agency and, in particular, a State
15 agency that is tasked with fiduciary duties and
16 responsibilities to trust beneficiaries. The Hawai'i
17 Supreme Court's decision in *Nelson I* believe supports this
18 conclusion, as does the special, unique and extraordinary
19 history and factual circumstances in this case.

20 Now, I spent the weekend rereading *Nelson I*
21 and 2 probably for the fiftieth time. And I do think it's
22 important for me to set forth again and reiterate what the
23 Hawai'i Supreme Court found in *Nelson I*. And that is that
24 the 1978 Constitutional Convention history provided
25 judicially discoverable and manageable standards to

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8

1 determine what constitutes sufficient sums for DHHL's
2 administrative and operating budget, and that such a
3 determination was justiciable, meaning capable of
4 determination by a court.

5 Now, as to the other enumerated purposes set
6 forth in Article XII, Section 1, the Supreme Court decided
7 that the constitutional history did not shed any light on
8 what would constitute sufficient sums for the other
9 enumerated purposes and, therefore, plaintiff's claims for
10 declaratory injunctive relief as to those three other
11 purposes were nonjusticiable political questions.

12 The Court then said, quote, "The State has
13 failed by any reasonable measure under the undisputed facts
14 to provide sufficient sums to DHHL. The State's track
15 record in supporting DHHL's success is poor, as evidenced
16 by the tens of thousands of qualified applicants on the
17 waiting list and the decades-long wait for homestead lots.
18 With the benefit of 35 to 90 years of hindsight, it is
19 clear that DHHL is underfunded and has not been able to
20 fulfill all of its constitutional purposes."

21 The Court also stated: "However, were we to
22 remand this case to the Circuit Court to grant declaratory
23 relief to plaintiffs as to all of the constitutional
24 purposes encompassed in Count 1, the Circuit Court still
25 would not be able to mandate the affirmative injunctive

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9

1 relief that the plaintiffs seek without encountering the
2 same uncertainty with regard to what constitutes sufficient
3 sums as to the remaining three purposes under Article XII,
4 Section 1.

5 "The plaintiffs prayed for an injunction
6 requiring the State to place as many beneficiaries on the
7 Department's waiting list for residence, farms and ranches
8 on available Hawaiian Homelands within a reasonable period
9 of time. Article XII, Section 1 and its Constitutional
10 Convention history shed no light on what those sufficient
11 sums might be."

12 The Court then concluded that the
13 determination of what constitutes sufficient sums for
14 administrative and operating expenses under Article XII,
15 Section 1, is justiciable, not barred as political
16 question, and concluded that the political question -- and
17 concluded that the political question doctrine barred
18 judicial determination of what constitutes sufficient sums
19 for the other three purposes.

20 Based on the Supreme Court's determination
21 that affirmative injunctive relief was not available to
22 plaintiffs on the three enumerated purposes set forth in
23 Article XII, Section 1 because what constitutes sufficient
24 sums as to those purposes were non-justiciable political
25 questions, then the opposite must also be true, that

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10

1 affirmative injunctive relief is available to plaintiffs on
2 the enumerated purpose that the Hawai'i Supreme Court did
3 determine what was justiciable the determination of what
4 constitutes sufficient sums for DHHL's administrative and
5 operating budget.

6 I will also note in Nelson 2 the Supreme Court
7 did state that the State must fund DHHL's administrative
8 and operating expenses. That's at Nelson 2, 130 Hawai'i
9 162, 167.

10 Now, at the hearing on Friday, I believe Miss
11 Aina pointed out that the power of the courts in reviewing
12 the constitutionality of laws is limited to declaring a law
13 unconstitutional but that the courts cannot order the
14 Legislature to make new laws. And the Court agrees 100
15 percent. And while not often, and perhaps maybe more than
16 the Legislature may like, courts can and have declared laws
17 unconstitutional, which has the effect of rendering a law
18 void. The Legislature can change the law, make new law, or
19 do nothing and the law is void.

20 Here, in this case, the issue is different.
21 The Hawai'i Constitution mandates or requires the State,
22 the Legislature, to act to make sufficient sums available
23 to DHHL for its administrative and operating budget by
24 appropriating same in the manner provided by law. There's
25 no discretion, DHHL's administrative and operating budget

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11

1 must be funded -- must be funded.

2 And when the courts determine that the State
3 has not met its constitutional duty to act and has not
4 complied with the Constitution because the amount
5 appropriated, as determined through the budgetary
6 processes, is insufficient and does not pass constitutional
7 muster, the remedy can and should be compliance with the
8 requirement to make sufficient sums available for DHHL's
9 administrative and operating budget. Otherwise, there is no
10 effective remedy for the State's violation of its
11 constitutional duty to fund.

12 Now, as I said previously and will say again,
13 this Court, let alone any court, takes seriously a claim of
14 a constitutional foul or the Court overstepping its bounds
15 by any co-equal branch of government, just as I would hope
16 that any other co-equal branch of government would take
17 seriously courts stating that the State has not lived up to
18 its constitutional duties.

19 Now, the Hawai'i Supreme Court has said on the
20 separation of powers doctrine that the use of, quote,
21 "judicial power to resolve public disputes in a system of
22 government where there is a separation of powers should be
23 limited to those questions capable of judicial resolution
24 and presented in an adversary context." That's Trustees of
25 the Office of Hawaiian Affairs versus Yamasaki, 69 Hawai'i

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12

1 154, 170 to 172 (1987).

2 And the Hawai'i Supreme Court in Nelson 1 said
3 that the determination of what constitutes sufficient sums
4 for DHHL's administrative and operating budget is a
5 question capable of judicial resolution and the adversary
6 context within which the question was decided was the
7 trial.

8 Now, in Yamasaki the Court also said that,
9 quote, "Even in the absence of constitutional restrictions,
10 courts must still carefully weigh the wisdom, efficacy and
11 timeliness of an exercise of their power before acting,
12 especially where there may be an intrusion into areas
13 committed to other branches of government."

14 But the Hawai'i Supreme Court has also said
15 that some flexibility must be infused within the framework
16 of the separation of powers doctrine and that it is not a
17 correct statement of the principle of the separation of
18 powers to say that it prohibits absolutely the performance
19 of one department of acts which, by their essential nature,
20 belong to another.

21 Rather, the correct statement is that a
22 department may constitutionally exercise any power,
23 whatever its essential nature, which have, by the
24 Constitution, been delegated to it. But that it may not
25 exercise powers not so constitutionally granted which form

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13

1 their essential nature to -- which from their essential
2 nature do not fall within its division of governmental
3 functions unless such powers are properly essential to the
4 performance by it of its own appropriate functions. That's
5 *Biscoe, B-i-s-c-o-e, versus Tanaka*, 76 Hawai'i 380, 383
6 (1994).

7 And as the separation of powers doctrine
8 pertains to the judicial branch's authority in reviewing
9 the actions taken by the State, the Hawai'i Supreme Court
10 has said; "As a general rule, the role of the court in
11 supervising the activity of the Legislature is confined to
12 seeing the actions of the Legislature do not violate any
13 constitutional provision. The courts will not interfere
14 with the conduct of legislative affairs in absence of a
15 constitutional mandate to do so or unless the procedure or
16 the result constitute a deprivation of constitutionally
17 guaranteed rights." That's *Schwad, S-c-h-w-a-d, versus*
18 *Ariyoshi*, 58 Hawai'i 25, 37-38 (1977).

19 The constitutional provision at issue in this
20 case is the State's requirement to fund, to make sufficient
21 sums available to the DHHL for its administrative and
22 operating budget. This is not a typical case of the court
23 reviewing a law or a statute for constitutionality. It
24 involves an affirmative duty on the part of the State to
25 sufficiently fund DHHL.

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14

1 And there's a long history of Supreme Court
2 decisions and history in this case also describing what is
3 in issue here, including longstanding problems that have --
4 longstanding funding problems that have plagued the
5 Department of Hawaiian Homelands. And in *Kalima versus*
6 *State*, 111 Hawai'i 84 (2006), the Hawai'i Supreme Court
7 discussed the I'll describe them as the laudable goals of
8 the Hawaiian Homes Commission Act and gave a history of how
9 the Act came into being.

10 But what is important for this Court's
11 analysis in the *Kalima* case is when the Hawai'i Supreme
12 Court said, "Despite the Hawaiian Homes Commission Act's
13 admirable goals, controversy plagued the trust from its
14 inception in 1921 and continued after its transfer to the
15 State in 1959."

16 The problems were of such magnitude that, in
17 1983, a Federal-State Task Force on the Hawaiian Homes
18 Commission Act was convened. The task force submitted a
19 report to the State that identified several areas of
20 concern and made recommendations for improvement. The
21 areas included the lack of proper funding sources and
22 administrative problems affecting individual beneficiaries
23 such as delays related to application and eligibility
24 determination processes and delays resulting from
25 mismanagement of the long -- of the long waiting list.

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15

1 So even in 1983, the State, through this
2 federal task force or Federal-State Task Force was aware
3 that the lack of proper funding sources was a significant
4 problem. But even before that, at the Constitutional
5 Convention in 1978 the delegates recognized the inadequate
6 funding and acknowledged that DHHL was getting very little
7 financial assistance to perfect its mandate. And I'm
8 referring specifically to Standing Committee Report Number
9 56 in proceedings of the Constitutional Convention at 630.

10 And not only did the delegates recognize the
11 funding problems of the Department, but in 1979 the voters
12 of the state recognized the problems and amended the
13 Constitution to require the State to fund DHHL.

14 In 2012 in the *Nelson* decision, and I've
15 already said this but I think it bears repeating again, the
16 Hawai'i Supreme Court said the State has failed by any
17 reasonable measure to provide sufficient funding to DHHL
18 and the State's track record in supporting DHHL's success
19 is poor. And with the benefit of 35 to 90 years of
20 hindsight, it is clear that DHHL is underfunded and has not
21 been able to fulfill all of its constitutional duties.

22 And in *Nelson 2* the Supreme Court said the
23 State now must fund DHHL's administrative and operating
24 expenses. As a result, DHHL will be able to shift funds it
25 was spending on administrative and operating expenses

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16

1 towards fulfilling its trust duties to its beneficiaries.

2 Now, in this case once this case was remanded
3 back to the Circuit Court, this Court denied the summary
4 judgment motions and said, and I still believe this now,
5 that this case is far too important and will only benefit
6 from a fully developed factual record. And I think the
7 lawyers in this case have definitely given the Hawai'i
8 Supreme Court a fully developed factual record.

9 But the record of the trial shows, as I see
10 it, is along the lines of what the Supreme Court has
11 already said, the Department is and remains underfunded as
12 to its administrative and operating budget. The Department
13 still has to rely on its own funds to pay its
14 administrative and operating expenses. The Department
15 needs to shift its fund so it can fulfill its duties to the
16 beneficiaries because it continues to use its own funds for
17 its administrative and operating costs. It is understaffed
18 and cannot properly serve the beneficiaries at the current
19 levels.

20 The evidence at this trial also show that the
21 Department of Hawaiian Homelands is treated like any other
22 department when it comes to the budget process and
23 determination is made as to funding. Even though the State
24 has an affirmative constitutional duty to make sufficient
25 sums available to DHHL, the Department is treated like any

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1 other department.

2 And, yes, the Court's decision on this trial
3 is only three months old, but the inadequate funding issue
4 goes back much further. The State has been aware of the
5 problem in funding for 35 to 90 years, going back that far,
6 the Constitutional Convention in 1978, the constitutional
7 amendment in 1979, the 1983 State and Federal Task Force
8 that was noted in *Kalima* and the Hawai'i Supreme Court's
9 strongly worded decisions in 2012 and 2013, which this
10 Court is bound to follow.

11 I think it's also important to note that what
12 the Hawai'i Supreme Court said in *Nelson 2* is that it was
13 necessary for plaintiffs to resort to private enforcement
14 in this case because, quote, "the State made it clear for
15 years that it did not believe it had a duty to sufficiently
16 fund DHHL," end quote. And that the State, quote, "had
17 clearly abandoned or actively opposed plaintiff's request
18 that the State sufficiently fund DHHL." That's 130 Hawai'i
19 at 168 at *Nelson 2*.

20 So following *Nelson 1* and *Nelson 2* and after
21 having a trial on the merits of this case, the Court did
22 determine that the amounts appropriated by the State, even
23 at current levels in this fiscal year, are insufficient.
24 The amount does not even cover the DHHL's actual annual
25 administrative and operating costs, which the Court found

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1 were \$18 million.

2 And there was little or no evidence presented
3 at trial explaining the factual and policy determinations
4 that were made for the 9,632,000 appropriation and why that
5 amount -- how that amount was determined to be sufficient
6 other than the arguments that were put forth by the State
7 at trial that it has provided sufficient funds to DHHL
8 because the amount the State is constitutionally obligated
9 to fund is 1.3 million to 1.6 million, adjusted for
10 inflation each year. Or, alternatively, there were other
11 multimillions of dollars available to DHHL from other
12 funding sources.

13 The Court's findings of fact and conclusions
14 of law rejected those arguments and they do not comply with
15 the Court's -- with the State's constitutional duty to fund
16 DHHL.

17 Now, given the history and background and
18 inadequate funding of the Department as I've set forth in
19 this ruling today and the Hawai'i Supreme Court's decisions
20 in *Nelson 1* and *2*, I do conclude that declaratory relief
21 alone is not a sufficient remedy to the years of
22 underfunding of the Department of Hawaiian Homelands that
23 it has suffered and that a form of injunctive relief is
24 appropriate and necessary for the State to comply with its
25 constitutional mandate under Article XII, Section 1.

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1 Now, to the extent this Court's order of
2 November 27th, 2015, is being construed as an order to
3 appropriate, the Court does believe that modification of
4 the Court's order would be proper and within the Court's
5 authority and discretion to do so. So I will grant the
6 motion for reconsideration only insofar as I determine that
7 modification is appropriate such that the Court's order is
8 not construed in any form as an order for the Legislature
9 to appropriate funds.

10 So just to be clear, paragraph 1 of the
11 Court's order will remain the same.

12 Paragraph 2 will remain the same.

13 Paragraph 3 will be modified to declare and
14 order the following. Although it is sufficient with change
15 over the years, the amount of general funds appropriated to
16 DHHL for its administrative and operating budget for fiscal
17 year 2015 to -16 (9,632,000) is not sufficient. The State
18 is required to comply with the Hawai'i Constitution and
19 must fund DHHL's administrative and operating expenses by
20 making sufficient general funds available to DHHL for its
21 administrative and operating budget for fiscal year 2015
22 to -16.

23 Paragraph 4 will remain the same.

24 Paragraph 5 will be modified as follows. The
25 Defendants must fulfill their constitutional duty and trust

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1 responsibilities.

2 To be clear, the Court is not ordering an
3 appropriation. The Court is, however, ordering that the
4 State must comply with its constitutional duty to make
5 sufficient sums available to the Department of Hawaiian
6 Homelands for its administrative and operating budget.
7 There is still time for the State to become in compliance
8 during this fiscal year.

9 Now, I'm going to ask -- I'll go ahead and
10 prepare a modified order based on what I've said. I'm
11 going to ask, Miss Aina, for you to please prepare an order
12 denying the motion for reconsideration as to the specific
13 relief that the State requested, but to the extent as I
14 determined that the Court's order is being construed as an
15 order to appropriate, the motion will be granted and the
16 Court will modify its order as so stated.

17 Let me just also -- so if you could prepare
18 that, I'll do the modified order.

19 And then, I guess, following that, Mr.
20 Frankel, I'll ask you to please prepare an amended final
21 judgment that's consistent with the Court's ruling.

22 I also just want to say at this point I want
23 to thank all of the counsel who were here throughout the
24 course of the trial, as well as Mr. Bennett's participation
25 today, and the briefing that has been submitted by everyone

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1 to this Court. I think the briefing was fantastic. This
2 is truly an extraordinary and important case for everybody
3 who is in this courtroom and I recognize that and
4 appreciate the arguments that have been put forth and made
5 by everyone.

6 But I think given what I've cited throughout
7 my lengthy oral ruling, I think that this is the best way
8 for the Court to make sure it is not overstepping its
9 bounds, but also making sure that we get compliance by the
10 State to fulfill its constitutional duty and mandate.

11 All right. On the motion for taxation of
12 costs, I know the State said it was fine for the Court to
13 rule without a hearing, but since we're here, I'll go ahead
14 and rule on that. I'm going to grant the motion in part
15 and reduce the clerk's taxation as to interisland airfare
16 costs for counsel to -- plaintiff's counsel to fly to the
17 Big Island to meet in person with new clients.

18 While the Court understands and agrees that it
19 is professionally responsible and prudent to meet in person
20 with clients, but whether that cost is recoverable as a
21 taxable cost is another matter and the Court is not aware
22 of any authority that would permit interisland travel costs
23 for counsel to meet in person with clients or prospective
24 clients. So the airline travel cost of \$174.70 is not
25 taxable and the motion is granted in that respect.

PERMISSION TO COPY DENIED, HRS 606.13, etc. 22

1 As to the remaining issues raised by the State
2 in its motion, the motion it will denied. The cost for Mr.
3 Ioane to travel twice from the Big Island to Oahu for trial
4 is a permissible taxable cost and necessary given the trial
5 schedule was fluid and his testimony did not occur as
6 anticipated by counsel.

7 As -- as to the inhouse copy costs, copy costs
8 are expressly allowed under HRS Section 607-9 and there is
9 a presumption that the prevailing party is entitled to
10 costs, and the presumption must be overcome by a showing
11 that the costs are unreasonable or inequitable under the
12 circumstances. And although counsel for plaintiffs does
13 not attest specifically that the copies were made for
14 specific documents or hearings, I don't believe that is not
15 fatal to the -- to the taxable costs.

16 It certainly helps to have counsel provide an
17 explanation, but in reviewing the history of this case and
18 also knowing this case, having reviewed the docket, the
19 copying activity that is set forth in the log in the notice
20 of taxation does correspond to activity in this case, and,
21 in particular, when summary judgment motions were filed and
22 heard and also, in particular, the bulk of the copying
23 costs took place after the Court denied summary judgment,
24 the summary judgment motion, and the case proceeded to
25 trial.

PERMISSION TO COPY DENIED, HRS 606.13, etc. 23

1 So I'm not persuaded that the copy costs were
2 unreasonable or inequitable. And under the circumstances
3 of this case, I believe the copy costs are both reasonable
4 and necessarily incurred.

5 So, Miss Aina, can you please prepare an order
6 denying in part and granting in part your motion?

7 MS. AINA: Yes, Your Honor.

8 THE COURT: Okay. All right. Thank you.

9 (Proceedings concluded at 2:35 PM.)
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PERMISSION TO COPY DENIED, HRS 606.13, etc. 24

1 STATE OF HAWAII)
2 CITY AND COUNTY OF HONOLULU)
3

4 I, PHYLLIS K. TSUKAYAMA, CSR-355, an Official
5 Court Reporter for the First Circuit Court, State of
6 Hawaii, hereby certify that the foregoing comprises a
7 full, true and correct transcription of my stenographic
8 notes, taken in the above-entitled cause.
9

10 Dated this 1st day of March, 2016.
11

12 OFFICIAL COURT REPORTER
13

14 _____
15 PHYLLIS K. TSUKAYAMA, CSR-355
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Attorneys for Defendants
HAWAIIAN HOMES COMMISSION, THE DEPARTMENT OF HAWAIIAN HOME LANDS, JOBIE MASAGATANI, in her official capacity as Chair of the Hawaiian Homes Commission, WILLIAM K. RICHARDSON, MICHAEL P. KAHIKINA, DOREEN NAPUA GOMES, GENE ROSS DAVIS, WALLACE A. ISHIBASHI, DAVID B. KAAPU and WREN WESCOATT, in their official capacities as members of the Hawaiian Homes Commission

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

RICHARD NELSON III, et al.

Plaintiffs,

vs.

HAWAIIAN HOMES COMMISSION, et al.,

Defendants.

CIVIL NO. 07-1-1663 (JHC)

ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED DECEMBER 21, 2015

HEARING:

Date: February 26, 2016
Time: 9:00 a.m.
The Honorable Jeannette H. Castagnetti

ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED DECEMBER 21, 2015

The State Defendants' Motion for Reconsideration of, or to Alter or Amend, the Judgment and Order, filed December 21, 2015 (hereinafter the "Motion") and having come on for hearing on February 26 and 29, 2016, before the Honorable Jeannette H. Castagnetti; and

with Charleen M. Aina, Esq., appearing on behalf of the State Defendants¹; David Kimo Frankel, Esq. and Sharla Ann Manley, Esq., appearing on behalf of the Plaintiffs; Melvyn M. Miyagi, Esq. and Ross T. Shinyama, Esq., appearing on behalf of the DHHL Defendants²; and Mark M. Bennett, Esq. and Mateo Caballero, Esq., appearing on behalf of amicus curiae the Hawai'i State Legislature; and the Court having reviewed the Motion and all submissions and arguments related thereto, including the brief of amicus curiae the Hawai'i State Legislature and the responses thereto by the Plaintiffs and DHHL Defendants, and the entire record and files herein, and being fully advised in the premises; *as set forth in the court's oral ruling on 2/29/16*

IT IS HEREBY ORDERED, ADJUDGED, and DECREED, that the Motion is DENIED IN PART and GRANTED IN PART as follows:

(1) The Motion is DENIED insofar as the State Defendants seek reconsideration of the Court's determination that the sufficient sums for DHHL's administrative and operating budget is \$28 million or more than \$28 million for fiscal year 2015-2016 arguing that the determination is based on insufficient evidence. The State Defendants raised the same arguments during trial or could have raised these arguments during trial. There is also substantial evidence in the trial record to support the Court's factual findings that sufficient funds for DHHL's administrative and operating budget for fiscal year 2015-2016 is \$28 million or more than \$28 million. The evidence at trial amply demonstrated that the amount DHHL requires for its administrative and operating budget for fiscal year 2015-2016 is more than \$28

¹ The State Defendants include the State of Hawai'i and its Director of Finance, in his official capacity as the State Director of Finance.

² The DHHL Defendants include the Hawaiian Homes Commission, the Department of Hawaiian Homelands ("DHHL"), Jobie Masagatani, in her official capacity as Chair of the Hawaiian Homes Commission, William K. Richardson, Michael P. Kahikina, Doreen Napua Gomes, Gene Ross Davis, Wallace A. Ishibashi, David B. Kaapu, and Wren Wescoatt, in their official capacities as members of the Hawaiian Homes Commission.

million, specifically \$28,478,966.00, and that the amount appropriated by the Hawai'i State Legislature, \$9,632,000.00, was not sufficient.

(2) The Motion is further DENIED in all other respects except as set forth in paragraph (3) below.

(3) The Motion is GRANTED only insofar as this Court has determined that modification of Paragraphs 3 and 5 of this Court's Order in its Findings of Fact, Conclusions of Law, and Order, filed November 27, 2015 ("Order") is appropriate such that the Court's Order is not construed in any form as an order for the Legislature to appropriate funds. To be clear, the Court is not ordering an appropriation. The Court is, however, ordering that the State of Hawai'i must comply with its constitutional duty to make sufficient sums available to DHHL for its administrative and operating budget. There is still time for the State of Hawai'i to become in compliance during this fiscal year. Paragraph 3 of the Order shall be modified to declare and order the following:

Although what is sufficient will change over the years, the amount of general funds appropriated to DHHL for its administrative and operating budget for fiscal year 2015-2016 (\$9,632,000) is not sufficient. The State of Hawai'i is required to comply with the Hawai'i Constitution and must fund DHHL's administrative and operating expenses by making sufficient general funds available to DHHL for its administrative and operating budget for fiscal year 2015-2016.

Paragraph 5 of the Order shall be modified to declare and order the following:

The Defendants must fulfill their constitutional duty and trust responsibilities.

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Paragraphs 1, 2 and 4 of the Order shall remain the same.

DATED: Honolulu, Hawaii, March 8, 2016

[Signature]
THE HONORABLE JEANNETTE H. CASTAGNETTI
JUDGE OF THE ABOVE-ENTITLED COURT



APPROVED AS TO FORM:

CHARLEEN M. AINA, ESQ.
GIRARD D. LAU, ESQ.
Attorneys for Defendants the State of Hawaii and Wesley Machida, in his official capacity as the State Director of Finance

DAVID KIMO FRANKEL, ESQ.
Attorneys for Plaintiffs Richard Nelson III, Kaliko Chun, James Akiona, Sr., Sherilyn Adams, Kelii Ioane, Jr., and Charles Aipa

Richard Nelson III, et al. vs. Hawaiian Homes Commission, et al.; Civil No. 07-1-1663 (JHC) ORDER DENYING IN PART AND GRANTING IN PART THE STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF, OR TO ALTER OR AMEND, THE JUDGMENT AND ORDER, FILED DECEMBER 21, 2015

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED
November 27, 2015
4:00 o'clock p.m.
Clerk, Fifth Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

RICHARD NELSON III, *et al.*,
Plaintiffs,

vs.

HAWAIIAN HOMES COMMISSION, *et al.*,
Defendants.

CIVIL NO. 07-1-1663-08 (JHC)
(Declaratory Judgment)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

Trial: June 29, 2015
Judge: Hon. Jeannette H. Castagnetti

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In 2007, Plaintiffs, native Hawaiian beneficiaries of the Hawaiian Homes Commission Act, filed suit against the State of Hawaii for failing to adequately fund the Department of Hawaiian Home Lands as mandated by article XII, section 1 of the Hawaii Constitution.¹ Plaintiffs also sued the Department of Hawaiian Home Lands, the Hawaiian

¹ Article XII, section 1 states 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 administrative 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.

Homes Commission and its commissioners, in their official capacities, for breaching fiduciary duties owed to Plaintiffs for failing to seek from the legislature all funding the State is constitutionally required to provide to the Department of Hawaiian Home Lands. Summary judgment was granted in Defendants' favor and against Plaintiffs in 2009 on the ground that Plaintiffs' claims were barred by the political question doctrine. Plaintiffs appealed and, in 2012, the Hawaii Supreme Court determined that the question of what constitutes "sufficient sums" for administrative and operating expenses under article XII, section 1 was justiciable and not barred by the political question doctrine. *Nelson v. Hawaiian Homes Commission*, 127 Hawaii 185, 277 P.3d 279 (2012).

A non-jury trial was held on Plaintiffs' claims that the State of Hawaii violated its constitutional duty to provide sufficient sums to the Department of Hawaiian Home Lands for its administrative and operating budget (count 1 of Plaintiffs' First Amended Complaint) and that the Department of Hawaiian Home Lands, the Hawaiian Homes Commission and its commissioners breached their trust duties by failing to seek from the legislature all the funding to which the department is constitutionally entitled (count 2).

Nine witnesses testified over the course of eight trial days and 239 exhibits were received into evidence. David Kimo Frankel, Esq. and Sharla Ann Mauley, Esq. appeared on behalf of Plaintiffs. Deputies Attorney General Girard D. Lau and Charleen M. Aina appeared on behalf of Defendants Wesley Machida and the State of Hawaii ("State Defendants"). Melvyn M. Miyagi, Esq. and Ross T. Shinyama, Esq. appeared on behalf of Defendants Hawaiian Homes Commission, the Department of Hawaiian Home Lands, Jobie Masagatani, William K. Richardson, Michael P. Kahikina, Renwick V.I. Tassill, Doreen Napua Gomes, Gene Ross Davis, Wallace A. Ishibashi and David B. Kaapu ("DHHL Defendants").

Having considered the evidence presented at trial, the arguments and written submissions of the parties, and as supported by the Findings of Fact and Conclusions of Law herein, the Court finds and concludes that the State failed to meet its constitutional obligation to provide sufficient sums for the Department of Hawaiian Home Lands' administrative and operating budget as required by article XII, section 1 of the Hawaii Constitution. More specifically, the State violated its constitutional duty by failing to appropriate sufficient general funds to the Department, thereby forcing the Department of Hawaiian Home Lands to use its own funds, including funds from the general leasing of Hawaiian home lands, to pay for the Department's administrative and operating costs -- precisely what article XII, section 1 was supposed to prevent. The Court also finds and concludes that the Hawaiian Homes Commission and the Department of Hawaiian Home Lands owe a fiduciary duty to the beneficiaries of the Hawaiian Homes Commission Act to pursue the funding that the Department needs for its administrative and operating expenses, and prior to 2012, the Department and the Commission failed to pursue adequate funding from the legislature, thereby breaching their fiduciary duty owed to Plaintiffs, as beneficiaries of the Hawaiian Homes Commission Act.

FINDINGS OF FACT

A. History of Article XII, Section 1 the Hawaii Constitution

1. Before the Hawaii Constitutional Convention of 1978, article XI, section 1 of the Hawaii Constitution provided:

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.

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2. Consequently, before the 1978 Constitutional Convention, the State of Hawaii Legislature ("Legislature") had the discretion to fund (or not fund) the Department of Hawaiian Home Lands ("DHHL"). *Exh. B-39* [copy of *Nelson v. Hawaiian Homes Commission* SCWC 30110 (May 9, 2012)] at 6.

3. In 1979, as a result of the 1978 Constitutional Convention, the electorate of the State of Hawaii voted to amend the Hawaii Constitution, article XI, section 1, renumbered as article XII, section 1, to replace the last sentence of the first paragraph, quoted above, with the following language:

The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, 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 administrative 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.

Hawaii Constitution, article XII, section 1 (emphasis added).

4. "Through this amendment, the discretionary funding language was changed to mandatory funding language." *Exh. B-39* at 6; *Exh. B-45* (copy of Stand. Comm. Rep. No. 56, in Proceedings of the Constitutional Convention of Hawaii of 1978, Volume 1 (1980)) at 630 ("Your [C]ommittee [on Hawaiian Affairs] 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.")

5. The above amendment was drafted by the Committee on Hawaiian Affairs who "decided that the legislature should provide sufficient funds to DHHL for the following projects: . . . 4. For administrative and operational costs, which expenditure requests are to be

utilized for all of the [other 3 enumerated purposes in the State Constitution, article XII, section 1].” *Exh. B-45* at 630.

6. Delegate De Soto, in addressing the amendment, stated:

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.

Exh. B-46 (Debates in the Committee of the Whole on Hawaiian Affairs Comm. Prop No. 11, in Proceedings of the Constitutional Convention of Hawaii of 1978, Volume II (1980)) at 410-411.

7. Delegate Sutton also addressed the amendment and, specifically, the word “sufficient,” stating,

The State must not only insure there are funds to prepare sites but also insure that there is a way for the DHHL administration to be fully funded to get the evermounting paperwork done. There are presently only 90 people statewide, who are limited by time and other constraints as to what they can do. As demands on the department and staff grow, a much bigger staff will be required. At present, the DHHL budget calls for the expenditure of \$1.3 million; \$1.1 million is through land revenues and the rest through Time Certificates of Deposit (TCDs). From this budget, \$750,000 goes toward staff salaries for 66 percent of the staff. Even this figure will rise as this portion of the staff is civil service and subject to an 8-percent annual inflation rate. The other 34 percent of the staff is funded through the Comprehensive Employment and Training Act (CETA) and the State Comprehensive Employment and Training program (SCET) funds. If these temporary dollars are cut, the staff would have to be cut accordingly. Not only is

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there a demand on the money for staff, but there are also other administrative demands that need to be met through funds, especially in the area of record-keeping. Problems the department is facing in record-keeping include a lack of proper equipment to record information, lack of a filing system, the need to automate many portions of the system to speed up the processing of records -- now there are only electric typewriters.

....

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.

Id. at 414 (emphases added).

8. Delegate Crozier also addressed the amendment and stated:

The Department of Hawaiian Home Lands is currently obligated to fund its own administrative budget. It is the only department that has to pay its own way. Because of this, when an administrative budget is developed, it is not based on their needs in order to achieve their goal. It is based on the amount of money the department is to receive through its funding mechanisms. One of the major mechanisms is the revenues derived from general leasing. General leasing is the leasing of DHHL lands to the general public. General leasing is not used to rehabilitate Hawaiians; these revenues are used in the administration of the department.

Id. at 415 (emphasis added).

9. Delegate Ontai likewise addressed the amendment and stated:

The Hawaiian homes department and the act were and are the most neglected part of the State of Hawaii, the most neglected department. It was woefully lacking in funds at its inception, and for the past 50 years and even today, it lacks funds to run the department properly.

Id. at 422 (emphasis added).

10. During the debates in the Committee of the Whole on Hawaiian Affairs, Delegate Burgess asked if the “\$1.3 million to \$1.6 million that was mentioned [earlier in the

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debates was] the total cost of the programs which are mandated to the legislature[.] . . .

includ[ing] the development of home, agriculture, farm and ranch lots, and the other aims [of the amendment]?” *Id.* at 421. Delegate Sutton responded that “[t]he \$1.3 million to \$1.6 million is for administrative costs at present. Their need is more.” *Id.* at 422 (emphasis added).

11. Before voting on the above amendment to the Hawai’i Constitution, article XII, section 1, the Hawai’i electorate was advised of the following:

If adopted, this amendment:

- requires the legislature to fund the Department of Hawaiian Home Lands.
- guarantees that traditional funding continue.
- allows Department more flexibility.

Exh. B-47 (Informational Booklet re: Amendments to the State Constitution Proposed by the 1978 Constitutional Convention, November 7, 1978 at No. 27).

12. No other State department has a constitutional mandate requiring the legislature to provide “sufficient sums” for its administrative and operating budget.

B. General Fund Appropriations

13. From its beginning through fiscal year 1989 (with few exceptions), DHHL received no general (or external) funding for its administrative and operating expenses. *Exh. 4* at 3 – 4.

14. Prior to the 1978 Constitutional Convention, DHHL’s administrative and operating budget consisted of more than \$1.4 million (from special funds). *Exh. A-64* at 47. In addition to these funds, temporary funds were provided through the Comprehensive Employment and Training Act (CETA) and the State Comprehensive Employment and Training program (SCET) to pay for more than one-third of DHHL’s staff in 1977. *Id.* at 8 – 10. These additional

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funds were not part of DHHL’s operating budget. Partial Tr. 06/29/15 p.m. at 14 (Testimony of Rodney Lau).

15. For fiscal year 1977-78, DHHL’s administrative and operating budget consisted of more than \$1.6 million (from special funds). *Exh. 1* at 44; *Exh. 77*. In addition to these funds, temporary funds were also provided through CETA and SCET. These funds supported one-third of DHHL’s staff. *Exh. 1* at 7 – 9; *Exh. B-45* at 631-32; *Exh. B-46* at 414.

These additional funds were not part of DHHL’s operating budget. Partial Tr. 06/29/15 p.m. at 14 (Testimony of Rodney Lau).

16. The source of funds in fiscal years 1976-77 and 1977-78 were primarily DHHL’s operating fund and its administration account, which are special funds. *Exh. A-64* at 47; *Exh. 1* at 44; Tr. 07/07/15 (Testimony of Jobie Masagatani).

17. In fiscal year 1978-79, lease rent generated 21.8% of DHHL’s receipts, while interest income generated 45.5% of DHHL’s receipts. *Exh. A-66* at 16. A logical inference is that a significant portion of DHHL’s administrative and operating budget prior to 1978 was comprised of interest income. Much of that interest income would have been earned from lease revenue. Cf. Partial Tr. 06/29/15 p.m. at 30-31 (Testimony of Rodney Lau).

18. In fiscal years 1976-77 and 1977-78, the majority (but not all) of DHHL’s administrative and operating budget came from the Hawaiian Home administration account. *Exh. A-64* at 47; *Exh. 1* at 44.

19. In fiscal year 1976-77, DHHL spent more than \$1.4 million for its administrative and operating needs. *Exh. A-64* at 47.

20. In fiscal year 1977-78, DHHL spent more than \$1.5 million for its administrative and operating needs. *Exh. 1* at 44.

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21. In fiscal year 1978-79, DHHL spent more than \$1.7 million for its administrative and operating needs. *Exh. A-66* at 21.

22. After the 1978 Constitutional Convention, the first general fund appropriation to DHHL for its administrative and operating budget was for fiscal year 1988-89. *Exhs. 77 – 88; Exh. 4* at 2.

23. The State appropriated the following amounts of money to DHHL for its administrative and operating budget in general funds (i.e., not including (i) any loans to the department, (ii) any funding financed through revenue bonds, (iii) any money generated by the leasing, renting, or licensing of Hawaiian home lands or waters, or (iv) any payments pursuant to Act 14,² Session Laws of Hawaii 1995, Special Session) in each of these fiscal years:

- a. 1991-92: \$4,278,706
- b. 1992-93: \$3,850,727
- c. 1993-94: \$3,251,162
- d. 1994-95: \$3,251,162
- e. 1995-96: \$2,565,951
- f. 1996-97: \$1,569,838
- g. 1997-98: \$1,493,016
- h. 1998-99: \$1,347,684
- i. 1999-00: \$1,298,554
- j. 2000-01: \$1,298,554
- k. 2001-02: \$1,359,546
- l. 2002-03: \$1,196,452
- m. 2003-04: \$1,297,007
- n. 2004-05: \$1,277,007
- o. 2005-06: \$817,559
- p. 2006-07: \$1,067,559

² See Finding of Fact, Section F, ¶¶ 61 – 67.

- q. 2007-08: \$1,169,174
- r. 2008-09: \$883,699
- s. 2009-10: 0
- t. 2010-11: 0
- u. 2011-12: 0
- v. 2012-13: 0
- w. 2013-14: \$9,632,000
- x. 2014-15: \$9,632,000
- y. 2015-16: \$9,632,000

Exh. 57 at Exh. A column 3; *Exh. 12* at 4; *Exh. 13* at 1 – 2; *Exhs. 91-114; Exh. A-131*; Partial Tr. 06/29/15 at 6-8 (Testimony of Rodney Lau).

24. In fiscal year 1991-92, the State appropriated over \$4 million in general funds to DHHL for administrative and operating costs. *Exh. 57* at Exh. A column 3.

25. 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. *Exh. 57* at Exh. A column 3.

26. In fiscal years 2010, 2011, 2012, and 2013, the legislature appropriated no general funds for DHHL’s administrative and operating budget. *Exh. 57* at Exh. A column 3.

27. After the Supreme Court’s decision in this case, *Nelson v. Hawaiian Homes Commission*, 127 Hawai’i 185, 277 P.3d 279 (2012), the legislature increased its general fund appropriations from zero to \$9.6 million for DHHL’s administrative and operating budget expenses. *Exh. 57* at Exh. A column 3; *Exh. 12* at 4; *Exh. 13* at 1 – 2; *Exh. A-131*.

28. Given the prior years’ funding levels and the legislature’s subsequent increase in funding after the Supreme Court’s decision, it is reasonable to find that it was because of this lawsuit that the legislature appropriated \$9.6 million more for DHHL’s

administrative and operating budget expenses than it had been providing. No witness offered any other plausible explanation for this subsequent increase in funding.

C. DHHL’S Administrative and Operating Budget

29. Administrative and operating expenses include recurring costs of operating, supporting and maintaining authorized programs, including costs for personnel salaries and wages, employee fringe benefits, lease payments, supplies, materials, equipment, motor vehicles, rent, building expenses, utilities, communications, advertising, general office expenses, travel, insurance, legal fees, consultants and other professional fees, and repair and maintenance. Partial Tr. 06/29/15 p.m. at 10-12 (Testimony of Rodney Lau); *Exh. B-31; Exh. B-32; Exh. B-19*; Tr. 07/07/15 at 85-88 (Testimony of Neal Miyahira); *Exh. A-64* at 47; *Exh. 1* at 44.

30. Since 1978, DHHL’s administrative and operating expenses have increased. Partial Tr. 06/29/15 p.m. at 15 (Testimony of Rodney Lau); Tr. 07/02/15 at 100 (Testimony of Jobie Masagatani).

31. Between fiscal years 2008 and 2014, DHHL’s actual administrative and operating budget expenses have ranged between \$16 million and \$19.6 million. *Exh. B-88*; Tr. 06/30/15 at 4-5 (Testimony of Rodney Lau). The actual administrative and operating expenses calculated by DHHL exclude costs associated with homestead lot development, loans, and expenditures from the Native Hawaiian Rehabilitation Fund. Partial Tr. 06/29/15 p.m. at 104-5 (Testimony of Rodney Lau). The calculation of expenses was carefully and deliberately determined. Partial Tr. 06/29/15 p.m. at 83-105 (Testimony of Rodney Lau).

32. In fiscal years 2013 and 2014, DHHL’s administrative and operating expenses exceeded \$18 million annually. *Exh. B-88*.

33. DHHL’s actual administrative and operating expenses do not include funds for all the DHHL authorized positions that are vacant. Filling those vacancies would require more money than the \$16 million to \$18 million DHHL expended annually in fiscal years 2008 through 2014. Tr. 06/29/15 at 85-87, 107-108 (Testimony of Rodney Lau).

34. DHHL suffers from a lack of funding and staffing, which adversely affects beneficiaries of the Hawaiian Home Lands Trust. Tr. 06/30/15 p.m. at 42 (Testimony of Rodney Lau); Tr. 07/02/15 at 102-4 (Testimony of Jobie Masagatani); Tr. 07/02/15 p.m. at 3-5, 8-10, 55, 112 (Testimony of Jobie Masagatani).

35. If DHHL received sufficient general funds for its administrative and operating expenses from the State, DHHL would be able to use its special funds and trust funds to provide financial assistance to low-income beneficiaries to help them acquire homestead lots. Tr. 07/07/15 at 62 (Testimony of Jobie Masagatani).

36. DHHL has determined that it needs additional funding to address operational shortfalls. It has determined that it requires funding so that it can fill all of its vacant positions as well as for 64 additional positions. *Exh. B-13; Exh. 24*; Tr. 07/02/15 at 102-105; Tr. 07/02/15 p.m. at 66; Tr. 07/07/15 at 5, 9, 10 (Testimony of Jobie Masagatani).

37. DHHL requested the following sums of money be appropriated to it for DHHL’s administrative and operating expenses in each of these fiscal years, regardless of the means of financing:

1991-92:	\$5,111,453
1992-93:	\$5,079,006
1993-94:	\$5,569,607
1994-95:	\$5,609,683
1995-96:	\$6,178,421
1996-97:	\$6,222,903

1997-98:	\$6,944,784
1998-99:	\$7,710,784
1999-00:	\$7,120,905
2000-01:	\$7,120,905
2001-02:	\$7,373,104
2002-03:	\$7,373,104
2003-04:	\$8,890,352
2004-05:	\$8,947,595
2005-06:	\$9,129,838
2006-07:	\$9,129,838
2007-08:	\$10,966,821
2008-09:	\$11,522,092
2009-10:	\$19,603,754
2010-11:	\$19,603,754
2011-12:	\$20,122,220
2012-13:	\$20,122,220
2013-14:	\$25,727,315
2014-15:	\$27,122,825
2015-16:	\$28,478,966

	Amount Requested:	Amount of General Funds Appropriated:
1991-92:	5,111,453	4,278,706
1992-93:	5,079,006	3,850,727
1993-94:	5,569,607	3,251,162
1994-95:	5,609,683	3,251,162
1995-96:	6,178,421	2,565,951
1996-97:	6,222,903	1,569,838
1997-98:	6,944,784	1,493,016
1998-99:	7,710,784	1,347,684
1999-00:	7,120,905	1,298,554
2000-01:	7,120,905	1,298,554
2001-02:	7,373,104	1,359,546
2002-03:	7,373,104	1,196,452
2003-04:	8,890,352	1,297,007
2004-05:	8,947,595	1,277,007
2005-06:	9,129,838	817,559
2006-07:	9,129,838	1,067,559
2007-08:	10,966,821	1,169,174
2008-09:	11,522,092	883,699
2009-10:	19,603,754	0
2010-11:	19,603,754	0
2011-12:	20,122,220	0
2012-13:	20,122,220	0
2013-14:	25,727,315	9,632,000
2014-15:	27,122,825	9,632,000
2015-16:	28,478,966	9,632,000

Exh. 57 at Exh. A column 1; Exh. 11 at 5; Exh. 12 at 5; Exh. 13 at 5.

38. For fiscal year 2014-15, DHHL determined that it needed \$27,122,825 for its administrative and operating budget, not including for repairs. Exh. 12 at 5; Exh. B-3; Exh.

B-4; Exh. B-11; Tr. 07/02/15 p.m. at 59 (Testimony of Jobie Masagatani).

39. For fiscal year 2015-16, DHHL determined that it needs \$28,478,966 for its administrative and operating budget, not including for repairs. Exh. 13 at 5.

40. DHHL's budget requests for fiscal years 2013-14, 2014-15, and 2015-16 are based upon its analysis of: prior years' expenditures; its current operational shortcomings;

Exh. 57 at Exh. A columns 1 and 3; Exh. 12 at 5; Exh. A-131.

46. The \$9,632,000 legislative appropriations of general funds in fiscal years 2013-14 and 2014-15 are less than the governor and the Department of Budget and Finance

and its needs for the coming years. Exh. 23; Exh. 24; Exh. B-3; Exh. B-4; Exh. B-13; Partial Tr. 06/29/15 p.m. at 16-21 (Testimony of Rodney Lau).

41. DHHL's determinations as to its administrative and operating needs were made with care, expertise and sound judgment. Partial Tr. 06/29/15 at 16-21 (Testimony of Rodney Lau); Tr. 06/30/15 at 57-58, 60-63, 73-74, 81-82 (Testimony of Rodney Lau); Tr. 07/02/15 at 33-38 (Testimony of Rodney Lau); Tr. 07/02/15 at 102 (Testimony of Jobie Masagatani); Tr. 07/02/15 p.m. at 41-45, 113, 114 (Testimony of Jobie Masagatani); Tr. 07/07/15 at 5-6, 67-68 (Testimony of Jobie Masagatani); Exhs. 12-13; Exh. 19. No evidence was provided to the contrary.

42. Jobie Masagatani, the Hawaiian Homes Commission Chair, and Rodney Lau, DHHL's administrative services officer, were credible and clear in explaining how DHHL determined its administrative and operating needs post 2012.

43. No credible evidence was presented or produced at trial that DHHL's determinations as to its administrative and operating budget, expenses and needs were arbitrarily or capriciously made. The State presented no evidence at trial that DHHL wasted funding from the legislature.

44. DHHL needs more than \$28 million annually for its administrative and operating budget for fiscal year 2015-16, not including repairs. Exh. 13 at 5; Partial Tr. 06/29/15 p.m. at 23 (Testimony of Rodney Lau); Exhs. 12, 24, B-4 through B-5.

45. In each fiscal year since 1992, the State has appropriated to DHHL less in general funds than what DHHL requested to be appropriated for its administrative and operating costs:

recommended be appropriated to DHHL for its administrative and operating budget. Tr. 07/07/15 p.m. at 26 (Testimony of Neal Miyahira); Tr. 07/10/15 p.m. at 29 (Testimony of Neal Miyahira).

47. Since 1978, the legislature has not appropriated enough general funds to pay for DHHL's administrative and operating expense. Tr. 07/07/15 at 13.

48. The State treats DHHL's budget requests as it does any other department. Tr. 07/07/15 at 74-5 (Testimony of Neal Miyahira); Tr. 07/09/15 at 20-24 (Testimony of Neal Miyahira); Tr. 07/10/15 at 29-31 (Testimony of Neal Miyahira).

D. The State Defendants' Case

49. The independent auditors' category "Administration and support services" in the annual audits cannot be assumed to include all of DHHL's administrative and operating expenses. Tr. 07/02/15 at 20-32 (Testimony of Rodney Lau); Tr. 07/02/15 at 41 (Testimony of Rodney Lau); Tr. 07/09/15 p.m. at 79 (Testimony of Neal Miyahira).

50. The State's position or argument as to what constitutes an "administrative and operating" expense and its exclusion of "programmatic expenses" is entitled to no weight because: (a) this claim or argument is inconsistent with the testimony of the State's designated HIRCP 30(b)(6) witness at his deposition; (b) was determined after the State approved DHHL's budget appropriations for fiscal years 2013-14, 2014-15, and 2015-16; and (c) created for the purpose of this trial. Tr. 07/10/15 p.m. 12-13, 18-22 (Testimony of Neal Miyahira). Thus, it is entitled to little or no weight.

51. The State does not know how much money would be sufficient for DHHL's administrative and operating budget nor has the State determined what DHHL's needs

are for its administrative and operating budget. Tr. 07/07/15 at 14-17 (Testimony of Neal Miyahira); Tr. 07/07/15 at 27-28 (Testimony of Neal Miyahira).

52. Although the Court admitted into evidence Exhibits A-104, A-105, A-107, A-114 and A-115, questions regarding underlying data or information were unanswered or unknown concerning these exhibits, and therefore, the Court finds that these exhibits were not helpful or persuasive. Accordingly, the Court did not rely on these exhibits.

E. Special and Trust Funds

53. Revenue from the general leasing of Hawaiian home lands (to non-homesteaders) is deposited into the Hawaiian Home administration account special fund. Tr. 07/07/15 p.m. at 28 (Testimony of Neal Miyahira); *Hawaiian Homes Commission Act* (“*HHCA*”), § 213(f).

54. The primary source of revenue for the Hawaiian Home administration account is revenue generated from Hawaiian home lands (i.e., general leases, licenses, revocable permits of the “available lands”). Partial Tr. 06/29/15 p.m. at 41, 57 (Testimony of Rodney Lau).

55. Revenue generated from leases that initially are deposited into the Hawaiian Home administration account wind up in other DHHL trust and special funds. Tr. 07/10/15 at 33 (Testimony of Neal Miyahira).

56. Some of the monies from the Hawaiian Home administration account special fund, including revenue from general leasing, are deposited into the Hawaiian Home operating fund. Partial Tr. 06/29/15 p.m. at 40 (Testimony of Rodney Lau); Tr. 07/10/15 at 33-34 (Testimony of Neal Miyahira).

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57. Monies from loans to DHHL, revenue bond proceeds, and monies generated by the leasing, renting, or licensing of Hawaiian home lands could be deposited into one or more special funds, but the Director of Finance and the Department of Budget and Finance have no way of determining whether those monies were the monies actually appropriated or expended by DHHL pursuant to each “B” appropriation. *Exh. 59* at 2; Tr. 07/10/15 at 33-38 (Testimony of Neal Miyahira).

58. Of the money that the legislature “appropriates” from all special funds to DHHL, it is unclear what the precise amount is that comes directly and indirectly from the leasing of Hawaiian home lands or Act 14 monies. Tr. 07/10/15 at 33-38 (Testimony of Neal Miyahira).

59. It is unclear how much of the money that the legislature authorizes each year from special funds is derived from (a) the leasing, renting or licensing of Hawaiian home lands or waters, (b) any payments pursuant to Act 14 Session Laws of Hawaii 1995, Special Session, (c) any funding financed through revenue bonds, or (d) any interest generated from the Department of Hawaiian Home Lands’ own assets. Tr. 07/0/15 at 33-38 (Testimony of Neal Miyahira).

60. Special fund “appropriations” are authorizations for DHHL to spend its own money rather than a transfer of money to DHHL. Partial Tr. 06/29/15 at 35, 56, 58-59 (Testimony of Rodney Lau).

F. Act 14

61. On or about December 1, 1994, the Task Force on Department of Hawaiian Home Lands Title and Related Claims (“Task Force”) and the independent representative of the beneficiaries of the Hawaiian Home Lands Trust entered into a

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Memorandum of Understanding (“MOU”) to resolve, *inter alia*, the wrongful use and withdrawal of Hawaiian home lands from the trust by territorial or state executive actions.

Exh. B-43 at 1. The MOU called for the establishment of the Hawaiian Home Lands settlement trust fund, which was to be funded by annual payments of \$30 million. The \$30 million payments were to continue until a total of \$600 million, over a period not to exceed twenty years, was paid into the settlement trust fund. *Id.* at 5.

62. The MOU provided that “[p]ayments into the Hawaiian home lands settlement trust fund are not intended to replace or result in a diminishing of funds that the department is entitled to under Article XII, Section 1 of the state constitution. A provision to that effect should be written into the legislation implementing the agreement.” *Id.* at 6.

63. The Office of the Attorney General concurred in the MOU. *Id.* at 7.

64. In 1995, the legislature enacted Act 14 in accordance with the MOU. *Exh. B-44* at 698 (Act 14, Special Session SLH 1995 at 698). Act 14 confirmed the \$600 million settlement fund which was to be paid in \$30 million annual payments over a period not to exceed twenty years. *Id.* at 700. Act 14 also confirmed that “[p]ayments made under this Act shall not diminish funds that the department is entitled to under article XII, section 1 of the Constitution of the State of Hawaii.” *Id.* at 701.

65. Every legislative act is reviewed by the Attorney General for constitutionality. The State Defendants did not present any evidence that the Attorney General’s review of Act 14 found it to be unconstitutional.

66. The final \$30 million payment under Act 14 will be paid in 2015.

67. DHHL has had to rely on and use Act 14 monies to pay for its administrative and operating expenses.

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G. DHHL’s Reliance on Trust Funds, Special Funds and Revenue from the Leasing of Hawaiian Home Lands for its Administrative and Operating Budget

68. DHHL has had to rely on special funds and trust funds every year to cover a substantial portion of DHHL’s operating costs. Partial Tr. 06/29/15 p.m. at 23-24 (Testimony of Rodney Lau); Tr. 07/02/15 p.m. at 25 (Testimony of Jobie Masagatani); *Exhs. 77-114*; *Exh. 31* at 5 (FY ‘89-95); *Exh. A-39* at 7; *Exh. A-40* at 7 (FY ‘93); *Exh. A-41* at 7 (FY ‘94); *Exh. A-42* at 7 (FY ‘95); *Exh. 4* at 4 (FY ‘95 & ‘96); *Exh. 5* (FY ‘96); *Exh. A-43* at 8 (FY ‘96); *Exh. A-44* at 8 (FY ‘97); *Exh. A-45* at 5 (FY ‘98); *Exh. A-46* at 4 (FY ‘99); *Exh. 6* (FY ‘99); *Exh. A-47* at 4 (FY ‘00); *Exh. A-48* at 9 (FY ‘01); *Exh. A-49* at 11 (FY ‘02); *Exh. A-50* at 21 (FY ‘03); *Exh. A-51* at 23 (FY ‘04); *Exh. A-52* at 23 (FY ‘05); *Exh. A-53* at 23 (FY ‘06); *Exh. A-54* at 15 (FY ‘07); *Exh. A-55* at 15 (FY ‘08); *Exh. 9* at 8 and 9 (FY ‘08 & ‘09); *Exh. A-56* at 15 (FY ‘09); *Exh. 9* at 8 (FY ‘08 & ‘09); *Exh. 10* at 3 (FY ‘10 & ‘11); *Exh. A-57* at 15 (FY ‘10); *Exh. A-58* at 15 (FY ‘11); *Exh. A-59* at 15 (FY ‘12); *Exh. A-60* at 16 (FY ‘13); *Exh. A-61* at 6 and 16 (FY ‘14); *Exh. 19* (FY ‘14); *Exh. B-9* at 1; *Exh. 12* at 4-5.

69. DHHL has had to rely on its own funds to pay for its administrative and operating expenses. Partial Tr. 06/29/15 p.m. at 6-8 (Testimony of Rodney Lau).

70. The use of special funds and trust funds to cover DHHL’s administrative and operating costs results in less money available to DHHL for land development, loans and other activities that assist the beneficiaries of the Hawaiian Home Lands Trust. *Exh. 4* at 4; *Exh. 5*; *Exh. B-12* at 2; Testimony of Rodney Lau; Tr. 07/02/15 p.m. at 6-8 (Testimony of Jobie Masagatani).

71. Since 1978, DHHL has continued to rely upon the Hawaiian Home administration account to pay for its administrative and operating costs. Partial Tr. 06/29/15 p.m. at 30-31, 41-42 (Testimony of Rodney Lau); *Exh. A-66* at 21 (FY ‘79); *Exh. A-67* at 22 (FY

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'80); *Exh. A-68* at 24 (FY '81); *Exh. A-69* at 24 (FY '82); *Exh. A-70* at 32 (FY '83); *Exh. A-71* at 00324 (FY '84); *Exh. A-72* at 29 (FY '85); *Exh. A-73* at 27 (FY '86); *Exh. A-74* at 20 (FY '87); *Exh. A-75* at 15 (FY '88); *Exh. A-76* at 19 (FY '89); *Exh. A-41* at 29 (FY '94); *Exh. A-42* at 30 (FY '95); *Exh. 31* at 3 and 4 (FY '95); *Exh. 4* at 4 (FY '95-96); *Exh. A-43* at 33 (FY '96); *Exh. A-44* at 35 (FY '97); *Exh. A-45* at 29 (FY '98); *Exh. A-46* at 28 (FY '99); *Exh. 6* (FY '99); *Exh. A-47* at 27 (FY '00); *Exh. A-48* at 33 (FY '01); *Exh. A-49* at 11 (FY '02); *Exh. A-50* at 21 (FY '03); *Exh. A-51* at 23 (FY '04); *Exh. A-52* at 23 (FY '05); *Exh. A-53* at 23 (FY '06); *Exh. 32* at 3 (FY '06); *Exh. 33* at 3 (FY '07); *Exh. A-54* at 15 (FY '07); *Exh. A-55* at 15 (FY '08); *Exh. 34* at 3 (FY '08); *Exh. 35* at 3 (FY '09); *Exh. A-56* at 15 (FY '09); *Exh. A-57* at 15 (FY '10); *Exh. A-58* at 15 (FY '11); *Exh. B-17* at 3 (FY '11); *Exh. A-59* at 15 (FY '12); *Exh. 36* at 3 (FY '12); *Exh. A-60* at 16 (FY '13); *Exh. A-61* at 6 and 16 (FY '14); *Exh. 19* (FY '14).

72. The Hawaiian Homes administration account is comprised entirely of money generated from: (a) general leases, rents, licenses, revocable permits, rock sales, and other uses of Hawaiian home lands; (b) interest and income earned from investment of these revenues; and (c) minimal or small amounts of miscellaneous revenue. Partial Tr. 06/29/15 at 30-31, 39 (Testimony of Rodney Lau); *Exh. A-66* at 20; *Exh. A-67* at 21; *Exh. A-68* at 23; *Exh. A-69* at 23; *Exh. A-70* at 32; *Exh. A-71* at 00324; *Exh. A-72* at 29; *Exh. A-73* at 27; *Exh. A-74* at 20; *Exh. A-75* at 15; *Exh. A-76* at 19; *Exh. A-77* at 18; *Exh. A-39* at 26-29; *Exh. A-40* at 27; *Exh. A-41* at 29; *Exh. A-42* at 30; *Exh. A-43* at 33; *Exh. A-44* at 35; *Exh. A-45* at 29; *Exh. A-46* at 28; *Exh. A-51* at 23; *Exh. A-52* at 23; *Exh. A-53* at 23; *Exh. A-54* at 15; *Exh. A-55* at 15; *Exh. A-56* at 15; *Exh. A-57* at 15; *Exh. A-58* at 15; *Exh. A-59* at 15; *Exh. A-60* at 16; *Exh. A-61* at 16.

73. A large portion of the principal upon which DHHL earns interest and investment income initially came from the general leasing of Hawaiian home lands. DHHL has

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relied on this interest/investment income generated from the general leasing of its lands to pay for its administrative and operating expenses. Partial Tr. 06/29/15 p.m. at 30-31 (Testimony of Rodney Lau).

74. DHHL has had to rely on Act 14 settlement monies to pay for some of its administrative and operating expenses. Partial Tr. 06/29/15 p.m. at 33-34 (Testimony of Rodney Lau).

75. Every year since 1992, DHHL has had to rely on revenue generated from general leases, licenses, and revocable permits of Hawaiian home lands to make up for the State's failure to appropriate sufficient sums for DHHL's administrative and operating budget. Partial Tr. 06/29/15 p.m. at 41-42, 44-45 (Testimony of Rodney Lau); Tr. 07/02/15 p.m. at 25, 74 (Testimony of Jobie Masagatani); *Exh. A-61* at 6; *Exh. B-9* at 1.

76. General lease revenues are used to fund DHHL's operations. Partial Tr. 06/29/15 p.m. at 41-42, 44-45 (Testimony of Rodney Lau); Tr. 07/02/15 at 43-44 (Testimony of Rodney Lau); *Exh. A-69* at 2; *Exh. 10* at 2; *Exh. A-61* at 22.

H. DHHL's Actions

77. Since 1978, DHHL has been aware that article XII, section 1 required the legislature to fund DHHL's administrative and operating budget. *Exh. 2*; *Exh. 4* at 4; *Exh. 5*.

78. On July 19, 1995, Kali Watson, then Chairman of the Hawaiian Homes Commission, sent a letter to Governor Benjamin Cayetano addressing the "General Fund Reduction Target Plan." *Exh. B-2*; Testimony of Kali Watson. Chairman Watson expressed his concern "about the legality" of reducing DHHL's general funding and explained:

Article XII, Section 1, of the State Constitution requires the Legislature to make sufficient sums available for DHHL administrative and operating costs (See Attached). This past year, general fund support has been reduced. This continued erosion of

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general funding by substituting special funds will adversely impact the department's direct funding to its beneficiaries.

Id. at 2.

79. The attachment to Chair Watson's letter was a copy of an opinion letter dated February 18, 1987 from Deputy Attorney General George Kaeo, Jr. to State Representative Andrew Levin setting forth the Attorney General's "opinion as to how the administrative and operating costs of the Department of Hawaiian Home Lands (DHHL) should be financed." *Exh. B-2*, attachment at 1; *see also Exh. B-2* at 1. In the Opinion Letter, the Attorney General concludes that "[t]he provisions of the Constitution are plain and unambiguous." "Article XII, § 1 mandates the legislature to make sufficient sums available to the DHHL for . . . its administrative and operating budget." *Id.* at 2.

80. The Attorney General concluded in the Opinion Letter that "the committee report[] and the informational booklet [prepared by the 1978 Constitutional Convention] make clear the intent of the framers of the constitutional provision and the understanding of the voters who adopted it." *Id.* at 5. Regarding the committee report, the Attorney General stated that "[i]t is apparent in reading the report that the Committee on Hawaiian Affairs intended to relieve the department of its present burden of general leasing its lands to generate its own revenues by requiring that the legislature provide sufficient funds to the department." *Id.* at 4. Regarding the informational booklet, the Attorney General observed that it clearly apprised voters that if the amendment was adopted, it would "require the legislature to fund the [DHHL]." *Id.*

81. Notwithstanding the concerns recognized and raised by Chair Watson in 1995 about the legality of reducing general fund appropriations to DHHL, between and including fiscal years 1992 and 2013, DHHL requested less in general funds for its administrative and operating expenses than it requested from all funding sources for its administrative and operating

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expenses. In other words, DHHL's own funding requests to the legislature were for less than DHHL determined that it needed. *Exh. 57* at Exh. A columns 1 and 2.

82. Between fiscal years 2000 and 2013, DHHL requested less than \$1.6 million in general funds for DHHL's administrative and operating expenses. *Exh. 57* at Exh. A column 2.

83. For fiscal years 2009-10, 2010-11, 2011-12, and 2012-13, DHHL requested no general funds to pay for its administrative and operating budget. *Exh. 57* at Exh. A column 2; *Exh. 10*; Tr. 07/02/15 at 68-69 (Testimony of Rodney Lau).

84. In those years in which DHHL received no general funding for its administrative and operating budget, neither DHHL nor the Hawaiian Homes Commission made any substantive effort to obtain general funding from the legislature. Tr. 07/02/15 at 38-39 (Testimony of Rodney Lau).

85. DHHL identified no obstacles that prevented it from asking the legislature for sufficient sums for its administrative and operating budget prior to 2012.

86. DHHL has entered into general leases of Hawaiian home lands in order to raise revenue for administrative and operating expenses, including the general lease of land that is suitable for residential development. These lands under general lease are not available to the beneficiaries of the Hawaiian Home Lands Trust. Partial Tr. 06/29/15 p.m. at 36, 39 (Testimony of Rodney Lau); Tr. 07/02/15 at 25-27 (Testimony of Jobie Masagatani).

87. DHHL Defendants did not take meaningful steps during the relevant time period to obtain funding from the legislature for sufficient sums for DHHL's administrative and operating budget. DHHL Defendants did not sue the State for failing to provide sufficient sums for DHHL's administrative and operating budget and although given the opportunity to cross-

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claim against the State Defendants in this case, DHHL Defendants did not. *Exh. 52; Exh. 56* at 16 and 17; Tr. 07/02/15 p.m. at 24 (Testimony of Jobie Masagatani); Tr. 07/07/15 at 63 (Testimony of Jobie Masagatani).

88. DHHL Defendants opposed Plaintiffs' efforts in this case to obtain sufficient funding, including substantively joining in the State Defendants' motion for summary judgment. *Exh. 51; Exh. 52; Exh. B-38* at 16 and page 4, n. 5 of concurring opinion; *Exh. B-39* at 13; *Exh. B-40* at 10; *Exh. A-133* at 38-39; Tr. 07/10/15 at 65-66.

89. Prior to 2012, before the Hawai'i Supreme Court's decision in this case, DHHL Defendants did not pursue adequate funding from the legislature in any meaningful way.

I. The Parties

90. Plaintiff Richard Nelson III is a native Hawaiian and a beneficiary of the Hawaiian Homes Commission Act. *Exh. 49, ¶3; Exh. 50* admitting to ¶3 and *Exh. 51* admitting to ¶3.

91. Plaintiff Nelson lives in Kona on the Island of Hawai'i. *Exh. 49, ¶4; Exh. 50* admitting to ¶4; *Exhibit 51* admitting to ¶4.

92. Plaintiff Nelson was notified in 2007 by DHHL that his name had been placed on the Hawaiian Home Lands waitlist for Hawai'i Island. *Exh. 49, ¶5; Exh. 50* admitting to ¶5; *Exh. 51* admitting to ¶5.

93. As a beneficiary of the Hawaiian Home Lands Trust, Nelson's interests have been harmed by the inadequate funding provided to DHHL. Tr. 07/02/15 at 80-81 (Testimony of Ka'imookalani Muhlestein).

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94. Plaintiff Keli'i Ioane Jr. is a native Hawaiian, and a beneficiary of the Hawaiian Homes Commission Act. *Exh. 49, ¶12; Exh. 50* admitting to ¶12; *Exh. 51* admitting to ¶12.

95. Plaintiff Ioane Jr. applied for a Hawaiian homestead lease in 1981. Although he requested agricultural and pastoral lots, he has never been offered an agricultural or pastoral lot. Tr. 07/07/15 (Testimony of Keli'i Ioane, Jr.).

96. As a beneficiary of the Hawaiian Home Lands Trust, Ioane's interests have been harmed by the inadequate funding provided to DHHL. Tr. 07/07/15 (Testimony of Keli'i Ioane, Jr.).

97. Mr. Ioane's connection to the land, particularly Hawaiian home lands, is very important to him culturally and spiritually. The general leasing of Hawaiian home lands adversely affects Keli'i Ioane's interests. Tr. 07/07/15 (Testimony of Keli'i Ioane, Jr.).

98. Plaintiff Sherilyn Adams is a native Hawaiian, and a beneficiary of the Hawaiian Homes Commission Act. *Exh. 49, ¶10; Exh. 50* admitting to ¶10; *Exh. 51* admitting to ¶10.

99. Plaintiff Kaliko Chun is a native Hawaiian, and a beneficiary of the Hawaiian Homes Commission Act. Tr. 07/02/15 at 84 (Testimony of Kaliko Chun).

100. The general leasing of Hawaiian homes lands, including the general lease of South Kaloko-Honokōhau National Historic Park for resort use, threatened Chun's cultural and aesthetic and environmental interests. Tr. 07/02/15 at 90-91 (Testimony of Kaliko Chun).

101. As a beneficiary of the Hawaiian Home Lands Trust, Chun's interests have been harmed by the inadequate funding provided to DHHL.

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102. At the time of the filing of the first amended complaint, Plaintiff James Akiona, Sr. was a native Hawaiian, and a beneficiary of the Hawaiian Home Lands Trust. *Exh. 49, ¶ 8; Exh. 50* admitting to ¶8; *Exh. 51* admitting to ¶8.

103. At the time of the filing of the first amended complaint, Plaintiff Akiona lived in Waimea on the Island of Hawai'i. *Exh. 49, ¶9; Exh. 50* admitting to ¶9; *Exh. 51* admitting to ¶9.

104. At the time of filing of the first amended complaint, Plaintiff Charles Aipia was a native Hawaiian, and a beneficiary of the Hawaiian Homes Commission Act. *Exh. 49, ¶14; Exh. 50* admitting to ¶14; *Exh. 51* admitting to ¶14.

105. At the time of the filing of the first amended complaint, Plaintiff Aipia lived in Pu'ukapu, on the Island of Hawai'i. *Exh. 49, ¶15; Exh. 50* admitting to ¶15; *Exh. 51* admitting to ¶15.

106. Plaintiff Aipia died in January 2008 and Plaintiff Akiona died in February 2012. Tr. 06/29/15 at 22-23.

107. DHHL is an agency of the State of Hawai'i and administers the Hawaiian Homes Commission Act of 1920 as set forth in the Constitution of the State of Hawai'i. *Exh. 49, ¶16; Exh. 50* admitting to ¶16; *Exh. 51* admitting to ¶16.

108. Defendant Hawaiian Homes Commission is the governing board of DHHL. *Exh. 49, ¶17; Exh. 50* admitting to ¶17; *Exh. 51* admitting to ¶17.

109. Jobie Masagatani is the current chair of the Hawaiian Homes Commission. Tr. 07/02/15 at 97 (Testimony of Jobie Masagatani).

110. The current members of the Hawaiian Homes Commission are Chair Masagatani, Michael Kahikina, Renwick Tassill, William Richardson, Wallace Ishibashi, David

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Kaapu, Pua Canto, Gene Ross Davis, and Puan Chin. Tr. 07/02/15 at 16 (Testimony of Jobie Masagatani).

111. The Finance Director for the State of Hawai'i is currently Wesley Machida.

112. The State of Hawai'i became a state pursuant to the Hawai'i Admissions Act of 1959.

113. To the extent that any Finding of Fact is in whole or in part a Conclusion of Law, the Court then deems it a Conclusion of Law.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter of this case and over all parties.

2. Plaintiffs have standing to enforce article XII, section 1 of the Hawai'i State Constitution and the Hawaiian Home Lands Trust. *Aged Hawaiians v. Hawaiian Homes Comm'n*, 78 Haw. 192, 204-5 and 208 n.26, 891 P.2d 279, 291-92 and 295 n.26 (1995); *Pele Def. Fund v. Paty*, 73 Haw. 578, 592-94, 603-05, and 614, 837 P.2d 1247, 1257-58, 1263-64, and 1268-69 (1992); *Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp.*, 121 Hawai'i 324, 331-35, 219 P.3d 1111, 1118-22 (2009); *Kapiolani Park Preservation Soc'y v. Honolulu*, 69 Hawai'i 569, 751 P.2d 1022 (1988); Restatement (Second) of Trusts § 282(2) (1959); Restatement (Third) of Trusts § 107(2)(b).

3. The issues tried by the express and implied consent of the parties are treated as if they had been raised in the plaintiffs' first amended complaint. Counts 3 and 4 of the first amended complaint, however, have been dismissed, and have not been considered by this Court. Hawai'i Rules of Civil Procedure Rule 15(b).

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4. The purposes of the Hawaiian Homes Commission Act have been variously described: for the welfare of native Hawaiians; for their rehabilitation; to respond to the poverty and rapid decline of the native Hawaiian population; to establish a permanent land base for the beneficial use of native Hawaiians; to provide native Hawaiians with lands upon which to develop homes, agriculture, farms and ranches; and for the betterment of the conditions of native Hawaiians. *Rice v. Cayetano*, 528 U.S. 495, 507 (2000); *Arakaki v. Lingle*, 477 F.3d 1048, 1054 (9th Cir. 2007); *Arakaki v. State of Hawaii*, 314 F.3d 1091, 1093 n.2 (9th Cir. 2002); *Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n.*, 588 F.2d 1216, 1218 (9th Cir. 1978); *Kalima v. State*, 111 Hawai'i 84, 87, 137 P.3d 990, 993 (2006); *Bush v. Hawaiian Homes Comm'n.*, 76 Haw. 128, 132, 870 P.2d 1272, 1276 (1994); *Ahuna v. Dep't of Hawaiian Home Lands*, 64 Haw. 327, 336, 640 P.2d 1161, 1167 (1982).

Concerned about the condition of the native Hawaiian people, Congress enacted the Hawaiian Homes Commission Act ("HHCA") in 1921 to set aside about 203,500 acres of ceded lands for native Hawaiian homesteads. Hawaiian Homes Commission Act, 1920, 67 Pub L. 34, 42 Stat. 108 (1921); see also *Rice v. Cayetano*, 528 U.S. 495, 507, 120 S. Ct. 1044, 145 L. Ed. 2d 1007 (2000). Prince Jonah Kuhio Kalaniana'ole, Hawaii's congressional delegate at the time, was instrumental in shepherding the Act through Congress, arguing that native Hawaiians "were entitled to a share of the lands that had been 'ceded' from the Republic of Hawaii to the United States in 1898 because they had not obtained their fair share of the lands distributed during the Mahele." Jon Van Dyke, *Who Owns the Crown Lands of Hawaii?* 239-40 (2008). Prince Kuhio spoke of the native Hawaiians' right to the land as follows: "Perhaps we have a legal right, certainly we have a moral right, to ask that these lands be set aside. We are not asking that what you are to do be in the nature of a largesse or as a grant, but as a matter of justice — belated justice." *Id.* at 241.

Under the Act, native Hawaiians (those of fifty percent blood quantum or more) could obtain 99-year leases for a dollar a year for residential, pastoral, and agricultural lots. See *Native Hawaiian Rights Handbook* 43 (Melody Kapili'aloa MacKenzie ed., 1991). One purpose of the HHCA was to "save" the native Hawaiian race

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by "tak[ing] [native Hawaiians] back to the lands and giv[ing] them the mode of living that their ancestors were accustomed to and in that way rehabilitate them." *Ahuna v. Dept. of Hawaiian Home Lands*, 64 Haw. 327, 336 n.10, 640 P.2d 1161, 1167 n.10 (1982) (quoting Senator John H. Wise, H. R. Rep. No. 839, 66th Cong., 2d Sess. 4 (1920)).

Nelson v. Hawaiian Homes Comm'n., 127 Hawai'i 185, 188, 277 P.3d 279, 282 (2012).

5. Article XII, section 1 of the Hawai'i Constitution states:

Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature; provided that if and to the extent that the United States shall so require, such law shall be subject to amendment or repeal only with the consent of the United States and in no other manner; provided further that if the United States shall have been provided or shall provide that particular provisions or types of provisions of such Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of such Act. 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 administrative 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.

Thirty percent of the state receipts derived from the leasing of cultivated sugarcane lands under any provision of law or from water licenses shall be transferred to the native Hawaiian rehabilitation fund, section 213 of the Hawaiian Homes Commission Act, 1920, for the purposes enumerated in that section. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall continue to be so transferred to the native Hawaiian rehabilitation fund whenever such lands are sold, developed, leased, utilized, transferred, set aside or otherwise

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disposed of for purposes other than the cultivation of sugarcane. There shall be no ceiling established for the aggregate amount transferred into the native Hawaiian rehabilitation fund.

(emphasis added).

6. Article XII, section 1 must be interpreted with due regard to: the intent of the framers and the matters sought to be remedied along with the history of the times.

Kaho'o'hanohano v. State, 114 Hawai'i 302, 339, 162 P.3d 696, 733 (2007); *County of Hawaii v. Ala Loop Homeowners*, 123 Hawai'i 391, 412-413, 235 P.3d 1103, 1124-25 (2010).

7. Article XII, section 1 cannot be interpreted in a manner that would render it devoid of any real substance and effect, or lead to an absurd result. *In Re Water Use Permit Applications*, 94 Hawai'i 97, 142, 9 P.3d 409, 454 (2000); *United Public Workers, AFSCME, Local 646 v. Yogi*, 101 Hawai'i 46, 53, 62 P.3d 189, 196 (2002).

8. The Constitutional Convention's committee report for this constitutional amendment declared: "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) (emphasis added).

9. The intent of the delegates of the 1978 constitutional convention was to require that the legislature appropriate and fund the Department of Hawaiian Home Lands for its operating expenses so that monies generated from the general leasing of Hawaiian home lands would not have to be used for operating expenses. Stand. Comm Rep. No. 56 in 1 Proceedings of the Constitutional Convention of Hawaii of 1978, at 630 and 632 (1980); *Nelson*, 127 Hawai'i at 203, 277 P.3d at 297. For the purposes of fulfilling article XII, section 1, there is no legally significant distinction between money raised through a general lease and money raised through a

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license, revocable permit, or any other use of Hawaiian home lands for non-homesteading purposes. See *Exh. A-67* at 11.

10. 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. *Nelson*, 127 Hawai'i at 201 and 203, 277 P.3d at 295 and 297; *Nelson v. Hawaiian Homes Comm'n.*, 130 Hawai'i, 162, 167, 307 P.3d 142, 147 (2013) (*Nelson II*); Debates in Committee of the Whole on Hawaiian Affairs, in 2 Proceedings of the Constitutional Convention of Hawaii of 1978 at 415, 421-22 (1980).

11. Because the Department of Hawaiian Home Lands is the only department explicitly identified in the Hawai'i 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.

12. The administrative and operating budget includes the Department of Hawaiian Home Lands' programmatic and human infrastructure costs. *Nelson*, 127 Hawai'i at 200, 277 P.3d at 294 ("the department had to raise revenue to sustain its programmatic and human infrastructure costs (administrative and operating expenses). . ."). Cf. testimony of Jobie Masagatani. It includes DHHL's actual administrative and operating expenses. *Nelson II*, 130 Hawai'i at 167, 307 P.3d at 147 ("[T]he State now must fund DHHL's administrative and operating expenses. As a result, DHHL will be able to shift the funds it was spending on administrative and operating expenses"). As far back as 1970 (i.e., before the 1978 constitutional convention), the State defined "operating costs" as "recurring costs of operating, supporting and maintaining authorized programs, including costs for personnel salaries and

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wages, employee fringe benefits, supplies, materials, equipment and motor vehicles.” Act 185, 1970 Sess Laws at 384. *See also* HRS §37-62 (definition of “operating costs”).

13. The State’s position that article XII, section 1 only requires funding of \$1.3-\$1.6 million plus inflation would lead to absurd results. It would in effect mean that sufficient funds for DHHL’s administrative and operating budget would be limited to funding the approximately 54 staff positions that were filled in 1978. It ignores the fact that one-third of the staff doing DHHL’s important work in 1978 were paid for outside of DHHL’s budget. In other words, \$1.3-\$1.6 million was plainly insufficient for DHHL to pay all the employees for the work it was doing in 1978. The State’s position ignores the constitutional convention delegates’ recognition that DHHL needed far more resources and DHHL’s over-reliance on its own funds.

14. The legislature satisfies its constitutional obligation only through general fund appropriations. In determining whether the legislature has fulfilled its constitutional obligation, the State cannot rely on:

- a. money that is not actually appropriated, *see* Article XII § 1 (“...by appropriating the same in the manner provided by law”);
- b. money derived from the general leasing of Hawaiian home lands, *see* Stand. Comm Rep. No. 56 in 1 Proceedings of the Constitutional Convention of Hawaii of 1978 at 631-632 (1980) (“DHHL cannot afford to lease more acreage to the general public for the purposes of generating income to accommodate a minimal employee level. 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.”), and *Nelson*, 127 Hawai’i at 203, 277 P.3d at 297 (“It is clear that the

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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. . . .”);

- c. money in Department of Hawaiian Home Land trust and special funds, *see* Debates in Committee of the Whole on Hawaiian Affairs, in 2 Proceedings of the Constitutional Convention of Hawaii of 1978 at 411 (“fund itself”), 415 (“fund its own way”), 423 (“own funds”) (1980), Exhibit 1 at 44, Hawaiian Homes Commission Act § 225, 1998 Haw. Sess. Laws Act 27, Admission Act §4(3) and Hawai’i State Constitution Article XII § 1 (“The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of [the Hawaiian Homes Commission Act]”);
- d. interest and investment income earned by DHHL, *see* Debates in Committee of the Whole on Hawaiian Affairs, in 2 Proceedings of the Constitutional Convention of Hawaii of 1978 at 414 (“Time Certificates of Deposit”), Admission Act §4(3) and Hawai’i State Constitution Article XII § 1 (“The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms and spirit of [the Hawaiian Homes Commission Act]”), Hawaiian Homes Commission Act § 225;
- e. money that is derived from Act 14 funds, *see* Act 14 § 6, Session Laws of Hawai’i 1995, Special Session at 701 (“Payments made under this Act shall not diminish funds that the department is entitled to under article XII, section 1, of the Constitution of the State of Hawaii.”) and Exhibit B-43;
- f. money derived from the rental, licensing, permitting, or use of Hawaiian Home Lands or waters;
- g. money that is directly or indirectly raised from the assets of the Hawaiian Home Lands Trust; or
- h. federal funds.

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15. The State incorrectly assumed that:

- a. all expenditures from the Hawaiian Home-Development Fund are related to the development of homestead lots. *See* HHCA § 213(e) (“for such consultant services as may be contracted for under this Act”);
- b. the term “other administration expenses” found in HHCA § 213(f) is identical to the term “administrative and operating” found in Article XII, section 1 of the Hawai’i State Constitution;
- c. the independent auditors’ category “Administration and support services” includes all of DHHL’s administrative and operating expenses;
- d. the word “and” in the term “administrative and operating budget” means “but not,” *see Nelson*, 127 Hawai’i at 197-198, 277 P.3d at 291-292 (“The words in a constitutional provision are also ‘presumed to be used in their natural sense.’”); and
- e. “programmatic” costs are not “administrative and operating” costs. *But see Nelson*, 127 Hawai’i at 200, 277 P.3d at 294 (“the department had to raise revenue to sustain its programmatic and human infrastructure costs (administrative and operating expenses). . .”).

16. The legislature has failed to appropriate sufficient sums to the Department of Hawaiian Home Lands for its administrative and operating budget in violation of its constitutional duty to do so. This failure includes every fiscal year since at least 1992. While this Court draws this conclusion based solely on the evidence presented at trial, it notes that the Hawai’i Supreme Court observed:

We agree with the Plaintiffs 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 the tens of thousands of qualified applicants on the waiting lists and the decades-long wait for homestead lots. *See generally, A Broken*

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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 Hawai’i at 205, 277 P.3d at 299.

[T]he State now must fund DHHL’s administrative and operating expenses. As a result, DHHL will be able to shift the funds it was spending on administrative and operating expenses towards fulfilling its trust duties to its beneficiaries.

Nelson II, 130 Hawai’i at 167, 307 P.3d at 147.

17. The DHHL Defendants’ duty of loyalty is to the beneficiaries of the Hawaiian Home Lands Trust – not the governor or the Department of Budget and Finance. *Ahuna v. Dep’t of Hawaiian Home Lands*, 64 Haw. 327, 340, 640 P.2d 1161, 1169 (1982).

18. The DHHL Defendants have a trust duty to take all reasonably necessary steps to ensure that DHHL receives all the funding to which it is constitutionally entitled.

Kaho’ohanohano, 114 Hawai’i at 325, 162 P.3d at 719; *Ahuna*, 64 Haw. at 338, 640 P.2d at 1168; *Hawaii Carpenters’ Trust Funds v. Aloe Development Corp.*, 63 Haw. 566, 576-7, 633 P.2d 1106, 1112-3 (1981). *Cf. In re Water Use Permit Applications*, 94 Hawai’i 97, 143, 9 P.3d 409, 455 (2000).

19. This duty includes a duty to file a lawsuit to obtain the funding the Department of Hawaiian Home Lands is entitled to under article XII, section 1 of the Hawai’i Constitution. *Kaho’ohanohano*, 114 Hawai’i at 325, 162 P.3d at 719. Restatement (First) of Trusts § 177.

20. The Hawai’i Supreme Court has stated that “[i]t is within the power, and is the duty, of a trustee to institute action and proceedings for the protection of the trust estate and the enforcement of claims and rights belonging thereto, and to take all legal steps which may be

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reasonably necessary with relation to those objectives[.]” *Kaho’ohanohano*, 114 Hawai’i at 326, 162 P.3d at 720 (quoting *Brisnehan v. Cent. Bank & Trust Co.*, 134 Colo. 47, 299 P.2d 113, 115 (1956) (citation omitted)).

21. As to a trustee’s duty to file suit against a third party, the Restatement of Trusts states, “the trustee is under a duty to the beneficiary to take reasonable steps to realize on claims which he holds in trust.” Restatement (First) of Trusts § 177. Comment c to § 177 explains:

It is not the duty of the trustee to bring an action to enforce a claim which is part of the trust property if it is reasonable not to bring such an action, owing to the probable expense involved in the action or to the probability that the action would be unsuccessful or that if successful the claim would be uncollectible owing to the insolvency of the defendant or otherwise.

Cmt. c. to Restatement (First of Trusts) § 177; see also Cmt. c. to Restatement (Second) of Trusts § 177 (same).

22. Prior to 2012, the DHHL Defendants breached their trust duties by failing to seek from the legislature all the funding the Department of Hawaiian Home Lands needs for its administrative and operating budget. It was beyond the bounds of reasonable judgment for the DHHL Defendants to not request from the legislature all the money it needed for its administrative and operating budget. No rationalization justified the DHHL Defendants’ conduct. *Kealoha v. Machado*, 131 Hawai’i 62, 77, 315 P.3d 213, 228 (2013); *Kaho’ohanohano*, 114 Hawai’i at 325, 162 P.3d at 719, *Nelson II*, 130 Hawai’i at 168, 307 P.3d at 148.

23. Insofar as the years of underfunding by the State continued to place DHHL in the intolerable position of having to use the Department’s own funds (including revenue from general leasing of Hawaiian home lands to non-beneficiaries) to pay for its administrative and operating expenses, it was beyond the bounds of reasonable judgment for the

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DHHL Defendants to not take action, to not file suit against the State and to oppose Plaintiffs in this case as to the claim that the State violated its constitutional duty to provide sufficient funding to DHHL. *Kealoha v. Machado*, 131 Hawai’i 62, 77, 315 P.3d 213, 228 (2013); *Kaho’ohanohano*, 114 Hawai’i at 325, 162 P.3d at 719. The DHHL Defendants breached their trust duties by failing to file suit against the State for the legislature’s failure to appropriate sufficient sums of general funds for DHHL’s administrative and operating budget.

24. Injunctive relief is appropriate when the plaintiffs have prevailed on the merits, the balance of harms favors injunctive relief and it is in the public interest. See e.g. *Office of Hawaiian Affairs v. Housing and Community Development*, 117 Hawai’i 174, 211-12, 177 P.3d 884, 921-2 (2008) *reversed on other grounds*. The plaintiffs have prevailed; the public interest is vindicated when the letter and spirit of our constitution are properly implemented; and given the harm experienced by the beneficiaries of the Hawaiian Home Lands Trust, the balance of harms favors injunctive relief. Cf. *Nelson II*, 130 Hawai’i at 168, 307 P.3d at 148. Although the circumstances of this case are unusual, properly tailored injunctive relief is appropriate in this case. Cf. *Guinn v. Legislature of the State*, 71 P.3d 1269, 1272 (Nev. 2003).

25. Because Plaintiffs have prevailed in this case as to counts 1 and 2, Plaintiffs may file a taxation of costs (including for deposition transcripts, court transcripts, court filing fees, travel expenses for witnesses, intrastate travel for counsel to meet with Plaintiffs, copying costs, long distance telephone charges, and postage, but not fees) with the clerk after final judgment has been entered pursuant to HRCF Rule 54(d)(1), HRS §§ 607-9 and 607-24, *Kamalu v. ParEn, Inc.*, 110 Hawai’i 269, 132 P.3d 378 (2006) and *Nelson II*, 130 Hawai’i at 173, 307 P.3d at 153. Defendants are jointly and severally liable for these costs. Given the

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State’s obligation to provide sufficient funds for the Department of Hawaiian Home Lands’ operating costs, Plaintiffs may collect the entire sum from the State of Hawai’i.

26. To the extent that the Conclusions of Law constitute Findings of Fact, they shall be so deemed.

ORDER

It is hereby declared and 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.

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6. Judgment on Counts 1 and 2 shall be entered in favor of Plaintiffs and against the State Defendants (as to Count 1) and the DHHL Defendants (as to Count 2).

DATED: Honolulu, Hawai’i, November 27, 2015.

Jeannette H. Castagnetti
Judge of the above-entitled Court

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

"Thank you very much, Mr. Speaker. I would like to ask for a ruling on a potential conflict. My mother is on the list of one of the 27,000 Native Hawaiians on the waiting list," and the Chair ruled, "no conflict."

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

"I rise in strong support. And just in full disclosure, the discussion that we had as a family is if she does get the property, it will be my brother's inheritance and not be a part of anything to do with me or my kids. Thank you.

"The other thing I wanted to ask, Mr. Speaker, is if the words from the Representative from Wahiawa can be entered into the Journal as if they were my own? I'd like to also thank the department for their diligence on this and the Representative from Molokai for introducing the bill, so that we could have this opportunity to have this dialogue. Thank you very much, Mr. Speaker," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In strong support. May I please incorporate the words of the Representatives from Molokai, Hawaii Kai and Wahiawa into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. As a representative of a district with a large Native Hawaiian population, I fully support this bill and I rise in support. I do not know how many Native Hawaiians on the list want to move to Puna, but I want to point out that DHHL is not only about putting Hawaiians back on the land, but it's also a community.

"By funding DHHL you also fund the community resources. Especially in Puna, where we include the Maku'u Farmers Market. It brings the community that's not only Native Hawaiians together. And as such, I want this body to remember that, that by funding DHHL, you not only fund Native Hawaiians, but you also fund the community that surrounds them. And I also would like to adopt the previous speaker's remarks as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In strong support, Mr. Speaker. Permission to submit comments into the Journal. Just a few comments on the floor, Mr. Speaker. First and foremost, I'd like to thank our leadership, including yourself, Mr. Speaker. I'd like to thank our OMH Chair and our Finance Chair for hearing this measure and allowing it to get to today, for this opportunity. Thank you.

"This measure that we are talking about is to address the shortfall in the current budget that we're in that ends June 30th of 2016. I am anxiously waiting for the Governor to send down his message so we may have a dollar to put in to this request. And I hope we shall hear that before we get to budget conference. And I think that's where our next guiding point will be.

"But if it wasn't for the leadership and these chairs getting it to this point, we wouldn't have that opportunity. Because there wouldn't be any way to make the department whole for this current fiscal year without this vehicle, Mr. Speaker. So now the ball is in another court and we anxiously wait for that. And I think all parties involved have put forward the great effort of trying to express what the need is, what that need is for, and what that amount may or may not be.

"To the 27,000 beneficiaries that this will effect on that list and the potential 60,000 other beneficiaries that have chosen not to be on that list

or don't know they could be on that list, or have a challenge getting to be placed on that list, this is what we're talking about today. And this will be our guiding point as we move forward in future legislatures to figure out what the correct funding for operations of this department, this state department, is.

"We've had many conversations with the chair of that department, and I think she has made many milestones in trying to bring the department up to a place where it's going to help those beneficiaries on the land and on the waiting list. We need to reimburse them for their operating cost that they took out of their trust funds for other purposes, those other three purposes. And we all need to move forward and help with them to continue with their federal funding. This is all a big, big picture, but it looks so minute with this measure called 1932.

"I would also like permission to submit into the Journal the comments on the floor from the Representative from Molokai. They were very eloquent and we should all remember those words as we go forward, when we're talking about this particular department. Hopefully our friends in the Senate are going to be hearing this and moving it along as well. We're nowhere near the finish line. But we all have to come together to resolve a problem that started way back in 1921. And their funding has never been to any sufficient levels through the territory, through the agreement through the State, through any administration. And we've all begun to be educated on that.

"And I hope we all can take that information and move forward. Because many of those beneficiaries feel like they're forgotten. And they haven't been forgotten. That's what we all stand up and swear to. To make sure that we don't forget and make sure they deserve every benefit they can on their ancestral lands. Other than that, thank you, Mr. Speaker, for again moving this measure forward. And I will remain putting the rest of my comments into the Journal."

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 4 purposes, 1 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 De Soto 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 Saiki rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. I would like to first thank the Representative from Molokai for introducing this measure. It is very important, and I know that all Members of this body support the mission and the purpose of the Department of Hawaiian Home Lands, and want to do what is right.

"At this point, I feel that what we really owe beneficiaries and the general public is a very candid discussion that is also accurate. We should not create false expectations, especially amongst beneficiaries, with respect to what the Legislature may or may not do this year.

"And because of that, I wanted to point out an error that the Hawaii Kai Representative made today in his floor speech. He said that the circuit court did not grant the State's motion for reconsideration, and has obligated the State to provide \$28 million in funding each year.

"This is not correct, and I want to state that for the record, because the circuit court filed its order yesterday granting and denying in part the motion for reconsideration. And the essence of the order is that the State is obligated to provide sufficient sums to the Department of Hawaiian Home Lands, as provided by law. There is no dollar amount in the order, and I would like to just make clear, because I don't want to create false expectations for beneficiaries or for the general public that there is a specific amount that is directed by the court. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, second time, thank you. I want to end on a note of gratitude and correction also. Thank you for keeping your word about saying that this would be a one-day delay, and you're actually hearing it. I wasn't sure really we were going to have this bill come to the floor. So, thank you for keeping your word and doing that.

"And for those who may in a mini way accuse me of popping up as the Johnny-come-lately in support for the Hawaiians, I would say look at the Journal, for those of you who haven't been here, look for example at the speeches for Hawaiian homes, look for example at the resolution, the Hawaii apology that Peter Apo, in 1994 following the Clinton Hawaiian apology, we had an apology from the State of Hawaii to the people of Hawaiian ancestry. I would just ask those freshmen and other newbies who would not know that history of the Hawaiian community and how much lip service we've given it to this day.

"In fact, today's discussion sounds a little bit like what we had 10, 20 years ago. Mr. Speaker, you've been here 30 years, you know that. In your heart, you know we haven't done right for the Hawaiians."

The Chair addressed Representative Ward, stating:

"Yes, would you please speak on the bill before us."

Representative Ward continued, stating:

"Okay, now lastly, to straighten the record about the record that he said I did not correctly cite. The motion for reconsideration was denied. Castagnetti is not going to reopen that case and say that we don't have to fund DHHL. In findings of fact number 44 or 14, it says they will fund \$28 million. That is a statement of fact. What she did was change that language in the frontal part of her ruling and make it, as I said earlier, instead of the number six, like \$28 million, she put in a half a dozen. Saying the same thing, that we are obliged.

"And this body, until the end of this session, must come up with the \$28 million, or we are going to be in contempt of court. And I would ask him to challenge me on that one also.

"The Constitution of 1978 in the convention said, instead of 'may', it 'shall' sufficiently fund. And after a lot of discourse, a lot of proof of how much it takes to fund the Hawaiian Homes Commission and the Hawaiian Home Lands, \$28 million was sufficiently evidenced and proved to be the case.

"So if we're trying to wiggle out of it, Mr. Speaker, as the Majority Leader just said, I think we're doing the same old, same old that we tried to do before. So let's be honest, let's be forthright, let's do justice with Hawaiian people. Thank you."

Representative Saiki rose to respond, stating:

"Mr. Speaker, the Hawaii Kai Representative obviously did not read the court's order that was filed on March 8th, so I'll read the pertinent conclusion of the court, which is as follows. 'Although what is sufficient will change over the years, the amount of general funds appropriated to DHHL for its administrative and operating budget for fiscal year 2015-2016 (\$9,632,000) is not sufficient. The State of Hawaii is required to comply with the Hawaii Constitution and must fund DHHL's administrative and operating expenses by making sufficient general funds available to DHHL for its administrative and operating budget for fiscal year 2015-2016.'

"Mr. Speaker, as I said in my first statement, what we owe the beneficiaries and the general public at this point is to be accurate with the facts and to not create false expectations. Thank you."

Representative Ward rose, stating:

"Mr. Speaker."

The Chair addressed Representative Ward, stating:

"You've spoken twice already, I will not have any more discussion, thank you very much."

Representative Ward: "Could I have my colleague yield to me a couple of minutes?"

Speaker Souki: "No, nobody can yield for that, you are allowed a period of time, you have spoken twice."

Representative Ward: "Because what he said is inaccurate."

At 12:47 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

The Chair addressed Representative Ward, stating:

"Representative, the House rule does not allow you to speak a third time."

Representative Tokioka rose to respond, stating:

"Mr. Speaker, once again in support. I'd like to ask that the discussion of this issue and the details of this issue not cloud the great issue that's moving forward. And at this time, Mr. Speaker, with all due respect, I'd like to ask to call for the question."

At this time, Representative Tokioka called for the previous question.

At 12:48 o'clock p.m., Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 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. 1932, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Third Reading by a vote of 50 ayes, with Representative Ward voting aye with reservations, and with Representative Woodson being excused.

At 12:49 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1932, HD 2

REPORTS OF STANDING COMMITTEES

Representatives Ing and Yamane, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented two reports:

(Stand. Com. Rep. No. 1014-16) recommending that H.R. No. 21 be adopted; and

(Stand. Com. Rep. No. 1015-16) recommending that H.C.R. No. 54 be adopted.

Representative Saiki moved that the reports of the Committees be adopted, and that H.R. No. 21; and H.C.R. No. 54 be adopted, seconded by Representative Evans.

Representative Say rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, my regrets that two very serious issues are juxtaposed on the OD, so I am going to stand in strong and robust opposition to this resolution. In fact if anything, Mr. Speaker, I should rise on a point of personal privilege. There is an unwritten courtesy in this body that says, if you go into somebody's district, either to campaign, to put on a forum, put on a town hall meeting, you inform as a courtesy that that is the case.

"Mr. Speaker, this is a territorially aggressive push into Districts 17 and 18, Representative Hashem and my district. No one informed us about this issue."

The Chair addressed Representative Ward, stating:

"Will you please speak on the merits of the bill, not on your personal feelings."

Representative Ward continued, stating:

"I said it borderlines a point of personal privilege because generally, when you're going to do an incursion into somebody's district, you have the courtesy to inform them of what's going on. And Mr. Speaker, that did not happen. This resolution is all about asking Kamehameha Schools to do a land swap with DHHL.

"Because, and as I read, due to public objections to development of a number of properties, Kamehameha Schools is inhibited in its plans to develop its land portfolio which limits the capital resources available to the schools, *et cetera, et cetera, et cetera.*

"In other words, the great lawn is what this is all about. All of you know where Maunaloa Bay is. Across from Maunaloa Bay, where there's going to be a carnival in another week, that's the great lawn, that's the signage that says welcome to Hawaii Kai. That's the place that we have held very dearly. So, Mr. Speaker, when you put in a resolution like this and you don't consult us, you are going to put a bee in the bonnet of my community, Mr. Speaker.

"Kamehameha Schools knows that they cannot get this done because the great lawn has had 300 to 400 people at town hall meetings. They know that for 40 years we've pushed Sandy Beach back. We've pushed cabins on Ka Iwi back. We just raised \$650,000, \$680,000 to buy the Ka Iwi lands. As so with a resolution like this, the comments say, well we can put Hawaiian homes here, or we can put a shopping center here like Kamehameha Schools wanted to do, or strip mall, Mr. Speaker, is nonsense.

"That is really pushing the envelope and really pushing the patience of my community. And when I say you're going to put a bee in the bonnet, you're going to create a firestorm in a community that has already been divided by the NOAA and the other bills that came through here about Maunaloa Bay. But the point is, what we are doing is the same as, what I am doing is the same as Justin Cruz says. Justin Cruz says there's going to be a lot of wind and rain, and then the rain is going to stop and the wind is going to continue.

"And what I am telling you today, Mr. Speaker, if you or any Members pass this, and this is not a threat, this is a matter of fact. This community in Hawaii Kai is going to rise up and we're all going to look like we don't know what we're doing, because we're doing something for the third largest land owner in the State of Hawaii and saying, to hell with you people in Hawaii Kai. We don't care what you think about that parcel of land and what you've done for the 40 years to protect it.

"For those reasons, Mr. Speaker, this is a very bad and a very dangerous policy. Thank you."

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

Representative Jordan rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. Originally I was going to go no on this. But I think I've been convinced to do a strong reservation on HSCR 1014 and HSCR 1015. Now, I'm not interested in having these two organizations sit down and have a conversation about a piece of land. But I am interested and very intrigued with the possibility of having home land located in Hawaii Kai.

"Because I'm not sure of all their inventory and I know they don't have too many lots in a lot of areas, but I think a lot of people on that list, or potential people on that list, would love to live in Hawaii Kai, and not have to drive two hours to and from the Waianae coast, or maybe even Kapolei.

"So that's why I am going to go reservations, Mr. Speaker, on this instead of *a'ole*. Maybe we should have a conversation. I like the idea of a little bit more of KS giving some lands to DHHL in Kapalama. Let's have that discussion. I understand a beautiful great lawn and I understand Hawaii Kai community trying to discourage big condominium complexes being built. I understand all that. Because I don't want big condominium complexes built on the Waianae Coast.

"But we'd like to provide the opportunity for the native host populace to have a selection. More variety across our islands, including Oahu, where almost 900,000 people live. So I think I'm going to go with reservations on this, Mr. Speaker, and may I submit additional comments into the Journal? Thank you very much, Mr. Speaker."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations to HR 21/HCR 54 which encourages Kamehameha Schools to consider land swaps with DHHL. Most of the testimony on these measures were submitted by my constituents in opposition either because it is viewed as an attempt to manipulate a private *ali'i* trust or as a way for the Legislature to circumvent its duties and responsibility to provide funding to DHHL. I must stand with the voices from my community and ask my colleagues to equally express reservations to this measure."

Representative Saiki rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support of these measures. I'd like to thank the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land for advancing these two resolutions. It was a very courageous act on the part of those committees to do that. These resolutions really reflect the Legislature's initial steps this year, stopping or at least trying to mitigate any dithering or equivocation of policies concerning the Department of Hawaiian Home Lands.

"It's pretty evident now that DHHL must consider options to create inventory and dwellings for its beneficiaries. And it is entirely appropriate, as Kamehameha Schools stated in its testimony, to involve other trusts and other land owners in that discussion. So for those reasons, I support these resolutions. Thank you."

Representative Brower rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, recently there was a land swap in Kakaako, where OHA received land from the State. And I kind of found out about this in the newspaper. And I know some legislators were working on it, so I don't take that personally. In Kakaako right now there are community groups that are supporting a community vision for that land. So if there were a land switch in Hawaii Kai, it doesn't necessarily mean that the future will come out negatively for that land. Thank you."

Representative Nishimoto rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support and I'd like to adopt the words of the speakers from Waianae and McCully as my own," and the Chair "so ordered." (By reference only.)

Representative Keohokalole rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I also am changing my vote from a no to a reservations. The reservations come from the fact that the mission of Kamehameha Schools, pursuant to the will of Princess Bernice Pauahi Bishop, was to use its assets, including acreages of land, to be used for the education of indigent Hawaiian children.

"That's what the Princess intended those assets to be used for, that specific mandate. And I believe the State has a broader mandate when it comes to Native Hawaiians. If it's equitable for both parties to undertake these types of initiatives within the scope of their designated duties and responsibilities, then so be it. I do think that it should probably be the State that initiates that effort, not Kamehameha Schools.

"But I'd also like to thank, in response to the merits of the particular resolution I'd like to thank the Representative from Hawaii Kai on behalf of the other freshmen for the lesson on decorum. I and presumably the other freshmen who may not have been aware that the proper protocol included notifying Representatives when initiatives being undertaken by other Members were to be done in their respective districts. I appreciate the lesson on that one.

"I also appreciate the support for other initiatives on Native Hawaiian housing, like the Native Hawaiian task force. The point of which was to do outreach to the 27,000 individuals on the waitlist to figure out where they

want to live. Figure out why many of them turn down house lot offers on the neighbor islands or on the west side, and opted out to wait for better offerings in areas that they currently lived in, areas that their families and their *'ohana* have lived in for many, many generations. Areas like the *ahupua'a* of Waimanalo, which includes the Maunaloa Bay area. So, I do support the intent of this proposal in that aspect. So again, with reservations. Thank you."

Representative Pouha rose in support of both measures with reservations and asked that the remarks of Representative Keohokalole be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Tokioka rose in support of both measures with reservations and asked that the remarks of Representative Keohokalole be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Hashem rose to speak in opposition to both measures, stating:

"Mr. Speaker, can you register a no vote for me? And for the record, that land is zoned preservation."

Representative Say rose to respond, stating:

"Mr. Speaker, I did not want to say anything this afternoon, even though I did record a no vote. But I truly believe what has transpired on this floor is a very lively debate on an issue that I was very disappointed when it was heard at 11:45 after our Democratic Caucus.

"I was also disappointed, Mr. Speaker, it got me infuriated Monday, when the chair of the committee that was the lead committee did not conduct the hearing and it was the vice chair that conducted the hearing. Mr. Speaker, throughout the hearing it was all in opposition, which I can respect, but my point on the matter is that if I'm listening to general public at large was in total opposition, why did we have to pass this House concurrent resolution and House resolution out?

"It infringes upon all of you, Members of the House, in your district now, that we can designate an area in your district to say that there will be a land exchange, or negotiations, where we don't have to get involved, Mr. Speaker and Members of the House. Because we have laws on the books already that state, if there is any land disposition, land exchange, it comes before this legislative body.

"Mr. Speaker, I don't know what the process is here this afternoon, or even at the committee hearing, but I truly believe if we are going to be the people's house, we should be listening to the people who testified before this body.

"If not, so be it. And I was never going to speak on this issue. I just wanted to vote my no. I can share with all of you on the floor of this House, I asked the chair of a committee if I could walk out so that I will not kill the measure until we had the majority.

"This is not what the House action should be reflected upon. We should be reflective of the people that come before this body to do what is the greater good. But when you designate two entities for a particular parcel, it is a beginning. It is a beginning of what may happen in the future for all of you in your particular districts, in infringing on your representation without any dialogue and communication before we introduce these type of measures, Mr. Speaker.

"I apologize for speaking, but I had to say my point of view of why I walked out of that hearing. Thank you."

Representative DeCoite rose in support of both measures with reservations and asked that the remarks of Representative Keohokalole be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Say rose, stating:

"Mr. Speaker, may I just say on behalf of myself, only myself, whatever you folks decide today, it's going to be recorded in the House Journal. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 21, entitled: "HOUSE RESOLUTION ENCOURAGING KAMEHAMEHA SCHOOLS TO CONSIDER THE PRACTICE OF LAND EXCHANGES TO FACILITATE THE DEVELOPMENT OF HAWAIIAN HOMESTEADS IN LOCATIONS THAT BETTER SERVE THE HAWAIIAN PEOPLE," was adopted, with Representatives DeCoite, Har, Jordan, Keohokalole, Pouha and Tokioka voting aye with reservations, with Representatives Hashem, Say, Tupola and Ward voting no, and with Representatives Oshiro and Woodson being excused; and

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING KAMEHAMEHA SCHOOLS TO CONSIDER THE PRACTICE OF LAND EXCHANGES TO FACILITATE THE DEVELOPMENT OF HAWAIIAN HOMESTEADS IN LOCATIONS THAT BETTER SERVE THE HAWAIIAN PEOPLE," was adopted, with Representatives DeCoite, Har, Jordan, Keohokalole, Pouha and Tokioka voting aye with reservations, with Representatives Hashem, Say, Tupola and Ward voting no, and with Representatives Oshiro and Woodson being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented two reports:

(Stand. Com. Rep. No. 1016-16) recommending that H.R. No. 5 be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1017-16) recommending that H.C.R. No. 23 be referred to the Committee on Finance.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 5; and H.C.R. No. 23 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I'd like to request a ruling on a possible conflict of interest. My late dad is a Filipino veteran, as a guerilla fighter," and the Chair ruled, "no conflict."

Representative Cachola continued to speak in support of both measures, stating:

"Strong support on these two resolutions, HSCR 1016 and 1017. As you all know, Mr. Speaker, a lot of Filipinos gave their lives fighting side by side with the Americans during World War II. A lot of them came to Hawaii or to the U.S. to look for a better job, or at least future for their children.

"What they did when they were all given the chance to be U.S. citizens, is to petition their children and their family to come here. A lot of them are still here waiting for their children to come to America. The remaining few Filipino veterans are now in their 90s and they are dying slowly. And if they petition their kids or their family and they are not coming here yet, if they die, that's the end of their petition, and their family will remain in the Philippines.

"So the reason why I strongly support this resolution is because the federal government came up with a policy that Filipino-Americans can be buried in any national or state veteran cemeteries. However, if they want their body to go to the Philippines to be with their families, they get zero help at all.

"So, this resolution is to request Congress and for our congressional leaders to fight for it to amend, so that the money allotted for the burial

here in the State of Hawaii in any national or state or federal veteran cemetery will be used instead for the transport of the remains to the Philippines. No more than what it costs them to be buried here. That way, they will be joined with their family in the Philippines.

"I can assure you, Mr. Speaker, that if ever the family, my family, decides to have my late father be buried in the Philippines to be with my late mother, I will not spend any taxpayers' money.

"But there's a lot of Filipinos that cannot afford at all, so we do help them by doing fundraisers in the community, so that the remains of these Filipino veterans will be joining their families in the Philippines. So I strongly support this and I urge all the Members to support it. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 5, entitled: "HOUSE RESOLUTION URGING CONGRESS TO AMEND FEDERAL LAW TO ALLOW FUNDS FOR THE BURIAL OF QUALIFIED FILIPINO-AMERICAN VETERANS IN NATIONAL AND STATE VETERANS CEMETERIES TO COVER THE COSTS OF TRANSPORTING THE REMAINS OF FILIPINO-AMERICAN VETERANS OF WORLD WAR II TO THE PHILIPPINES AND FOR FUNERAL AND BURIAL SERVICES IN THE PHILIPPINES," was referred to the Committee on Finance, with Representatives Johanson, Oshiro, Say, Tokioka, Ward and Woodson being excused; and

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO AMEND FEDERAL LAW TO ALLOW FUNDS FOR THE BURIAL OF QUALIFIED FILIPINO-AMERICAN VETERANS IN NATIONAL AND STATE VETERANS CEMETERIES TO COVER THE COSTS OF TRANSPORTING THE REMAINS OF FILIPINO-AMERICAN VETERANS OF WORLD WAR II TO THE PHILIPPINES AND FOR FUNERAL AND BURIAL SERVICES IN THE PHILIPPINES," was referred to the Committee on Finance, with Representatives Johanson, Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1018-16) recommending that H.C.R. No. 11 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.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH A COMMISSION REGARDING THE EARLY SETTLERS OF AFRICAN ANCESTRY AND THEIR HAWAIIAN AFRICAN DESCENDANTS," was referred to the Committee on Finance, with Representatives Johanson, Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1019-16) recommending that H.C.R. No. 26 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 26 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Strong support. I just wanted to let the membership know that this is such a great sister-state relationship idea. As probably the only Member who's been to Goa and spent some time there, that the state of Goa is very unique in India. Though connected by land to the rest of the subcontinent, it is separated by a mountain range and it's created its own independent culture. And just as Hawaii has the largest Buddhist population in the United States, there they have the largest Christian population in India. So it's very interesting, the function that that place plays in Indian culture has very similar function that Hawaii plays in the United States culture. And it's just a really great idea and if you ever go there, come to me and I can give you all the best places to go. It's a great place."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII SISTER-STATE COMMITTEE TO EVALUATE AND DEVELOP RECOMMENDATIONS FOR THE INITIATION OF A SISTER-STATE RELATIONSHIP WITH THE STATE OF GOA IN THE COUNTRY OF INDIA AND FORWARD ITS RECOMMENDATION TO THE LEGISLATURE, PURSUANT TO SECTION 229-3, HAWAII REVISED STATUTES, FOR FURTHER ACTION," was referred to the Committee on Finance, with Representatives Johanson, Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1020-16) recommending that S.B. No. 2310 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 S.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1021-16) recommending that S.B. No. 305, SD 1, 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 S.B. No. 305, SD 1, 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 S.B. No. 305, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES," passed Second Reading and was referred to the Committee on Judiciary, with Representative McDermott voting no, and with Representatives Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative Takayama, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 1022-16) recommending that S.B. No. 533, SD 1, 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 S.B. No. 533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Oshiro, Say, Tokioka, Ward and Woodson being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1023-16) recommending that S.B. No. 805 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 805, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 46 ayes, with Representatives Oshiro, Say, Tokioka, Ward and Woodson being excused.

At 1:11 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 805

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 30 through 51) and concurrent resolutions (H.C.R. Nos. 65 through 90) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE PREVENT SUICIDE HAWAII TASK FORCE TO RECOMMEND A STRATEGIC PLAN TO REDUCE SUICIDES IN HAWAII BY AT LEAST TWENTY-FIVE PER CENT BY 2025," was jointly offered by Representatives Belatti, Creagan, Fukumoto Chang, Hashem, Jordan, Kobayashi, Mizuno, Morikawa, Oshiro and Yamane.

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE UNITED STATES CODE TO ENSURE THAT THE PROGRAMS AND SERVICES OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT RECEIVE PERMANENT FUNDING," was jointly offered by Representatives Belatti, Fukumoto Chang, Hashem, Kobayashi, Lowen, Morikawa, Nishimoto, Oshiro, Pouha, Thielen, Yamane and Evans.

H.R. No. 32, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE AND EXPAND ITS COMMUNITY-BASED WORK FURLOUGH PROGRAMS TO ASSIST FORMERLY INCARCERATED FEMALE INMATES TRANSITION BACK INTO SOCIETY," was jointly offered by Representatives Belatti, DeCoite, Evans, Fukumoto Chang, Ichiyama, Lowen, Luke, Matsumoto, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.R. No. 33, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A PAID FAMILY LEAVE TASK FORCE TO EXAMINE THE BENEFITS AND COSTS OF A POTENTIAL PAID FAMILY LEAVE PROGRAM IN HAWAII," was jointly offered by Representatives Belatti, Ichiyama, Lowen, Luke, Morikawa, Rhoads, San Buenaventura and Takumi.

H.R. No. 34, entitled: "HOUSE RESOLUTION AFFIRMING THE STATE OF HAWAII'S SUPPORT OF PLANNED PARENTHOOD, RECOGNIZING ITS VITAL ROLE IN PROVIDING HEALTH CARE, AND DENOUNCING VIOLENCE TOWARDS ABORTION PROVIDERS AND THEIR PATIENTS," was jointly offered by Representatives Ichiyama, Belatti, Evans, Lowen, Luke, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.R. No. 35, entitled: "HOUSE RESOLUTION URGING UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO IMMEDIATELY RESUME BIOMETRIC INTAKE AND INTERVIEWS ON THE COUNTIES OF HAWAII, MAUI, AND KAUAI," was jointly offered by Representatives Belatti, Evans, Ichiyama, Lowen, Luke, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.R. No. 36, entitled: "HOUSE RESOLUTION ENCOURAGING REFORM IN THE MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING CHILD SEXUAL ABUSE AND INCREASED TRANSPARENCY IN THE MILITARY JUSTICE SYSTEM AND MILITARY REPORTING OF CRIMINAL SEX OFFENSES INVOLVING CHILDREN," was jointly offered by Representatives Belatti, DeCoite, Evans, Fukumoto Chang, Ichiyama, Lowen, Luke, Matsumoto, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.R. No. 37, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCLUDE NEIGHBOR ISLAND SCHOOL COMPLEXES IN HEAT ABATEMENT STUDIES, USE SCIENTIFIC DATA AND METHODS TO DETERMINE HEAT ABATEMENT PRIORITY RANKINGS OF SCHOOLS, AND INCREASE TRANSPARENCY IN THE METHODOLOGY USED TO DETERMINE PRIORITY RANKINGS," was jointly offered by Representatives Lowen, Belatti, Lee, McKelvey, Morikawa, Ohno, Rhoads, Takumi, Woodson and Onishi.

H.R. No. 38, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO PROTECT PUBLIC HEALTH BY UPDATING ITS RULES REGARDING TUBERCULOSIS," was jointly offered by Representatives Har, Aquino, Creagan, DeCoite, Ichiyama, Ito, Jordan, Kawakami, Kong, Oshiro, Say, Takayama, Tokioka, Tsuji and Yamashita.

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY ON WHETHER A STATE LUXURY TAX WOULD BE BENEFICIAL TO HELP WITH ISSUES SUCH AS AFFORDABLE HOUSING, HOMELESSNESS, AND EDUCATION COSTS," was jointly offered by Representatives Say and Oshiro.

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A TWO-YEAR PILOT PROJECT TO IMPLEMENT CONTRACTS FOR SERVICES FOR STUDENTS WITH DISABILITIES ON A BLOCK BASIS RATHER THAN ON A ONE-TO-ONE BASIS," was jointly offered by Representatives Takumi and Ohno.

H.R. No. 41, entitled: "HOUSE RESOLUTION DESIGNATING APRIL 28, 2016, AS 'WORKERS' MEMORIAL DAY' IN HAWAII IN MEMORY OF WORKERS KILLED, INJURED, OR DISABLED IN THE WORKPLACE," was jointly offered by Representatives Takumi, Aquino, Belatti, Brower, Cachola, Creagan, Cullen, Hashem, Johanson, Kobayashi, Lee, Lowen, McKelvey, Mizuno, Nishimoto, Ohno, Saiki, Souki, Takayama, Tsuji, Yamane, LoPresti and Luke.

H.R. No. 42, entitled: "HOUSE RESOLUTION URGING THE STATE TO DEVELOP AND IMPLEMENT A STATEWIDE EMERGENCY MANAGEMENT SIMULATION EXERCISE," was offered by Representative Ito.

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND SAFETY BENEFITS OF RELOCATING THE HAWAII STATE HOSPITAL'S PLANNED FORENSIC UNIT TO THE CORRECTIONAL FACILITY PLANNED TO BE BUILT ON OAHU," was offered by Representative Ito.

H.R. No. 44, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL," was offered by Representative Ito.

H.R. No. 45, entitled: "HOUSE RESOLUTION CONVENING A WORKING GROUP ON THE ELDERLY," was jointly offered by Representatives Morikawa, Belatti, Creagan, Hashem, Ito, Jordan, Kobayashi, Mizuno, Onishi, Oshiro and Thielen.

H.R. No. 46, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO LANDSCAPE HAWAII'S PUBLIC HIGHWAYS AND ROADS BY PLANTING MORE TREES," was offered by Representative Ohno.

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM," was offered by Representative Takayama.

H.R. No. 48, entitled: "HOUSE RESOLUTION URGING THE LEGISLATURE TO CONSIDER PLACING ON THE 2018 GENERAL ELECTION BALLOT THE QUESTION OF WHETHER A STATE CONSTITUTIONAL CONVENTION SHALL BE HELD," was offered by Representative Tsuji, by request.

H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES RELATING TO COUNSELING OF PREGNANT WOMEN WHO HAVE UNDERGONE PRENATAL TESTING THAT ESTABLISHES OR IS LIKELY TO ESTABLISH A DIAGNOSIS OF A DISABILITY," was jointly offered by Representatives Kong, Brower, Choy, Creagan, DeCoite, Hashem, Oshiro, Say, Takayama, Tokioka and Ward.

H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE HONOLULU INTERNATIONAL AIRPORT AS THE DANIEL K. INOUE INTERNATIONAL AIRPORT," was jointly offered by Representatives Nishimoto, Aquino, Belatti, Brower, Choy, Creagan, Cullen, DeCoite, Evans, Fukumoto Chang, Har, Hashem, Ichiyama, Ing, Ito, Johanson, Jordan, Kawakami, Keohokalole, Kobayashi, Kong, Lee, LoPresti, Lowen, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Ohno, Onishi, Oshiro, Pouha, Rhoads, Saiki, San Buenaventura, Say, Souki, Takayama, Takumi, Tokioka, Tsuji, Tupola, Woodson, Yamane, Yamashita and Ward.

H.R. No. 51, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONDUCT A STUDY ANALYZING THE IMPACTS OF RETAIL ON HAWAII'S ECONOMY, WITH A FOCUS ON THE PURCHASE OF GOODS THROUGH THE INTERNET," was jointly offered by Representatives Kawakami, Brower, Cachola, Choy, Ito, Kong, Tokioka, Tsuji, Woodson and Onishi.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF CERTIFIED PROFESSIONAL MIDWIVES," was jointly offered by Representatives Belatti, Evans, Fukumoto Chang, Hashem, Kobayashi, Luke, McKelvey, Morikawa, Oshiro, Thielen and San Buenaventura.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PREVENT SUICIDE HAWAII TASK FORCE TO RECOMMEND A STRATEGIC PLAN TO REDUCE SUICIDES IN HAWAII BY AT LEAST TWENTY-FIVE PER CENT BY 2025," was jointly offered by Representatives Belatti, Creagan, Fukumoto Chang, Hashem, Jordan, Kobayashi, Mizuno, Morikawa, Oshiro and Yamane.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE UNITED STATES CODE TO ENSURE THAT THE PROGRAMS AND SERVICES OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT RECEIVE PERMANENT FUNDING," was jointly offered by Representatives Belatti, Fukumoto Chang, Hashem, Kobayashi, Lowen, Morikawa, Nishimoto, Oshiro, Pouha, Thielen, Yamane and Evans.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE AND EXPAND ITS COMMUNITY-BASED WORK FURLOUGH PROGRAMS TO ASSIST FORMERLY INCARCERATED FEMALE INMATES TRANSITION BACK INTO SOCIETY," was jointly offered by Representatives Belatti, DeCoite, Evans, Fukumoto Chang, Ichiyama, Lowen, Luke, Matsumoto, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A PAID FAMILY LEAVE TASK FORCE TO EXAMINE THE BENEFITS AND COSTS OF A POTENTIAL PAID FAMILY LEAVE PROGRAM IN HAWAII," was jointly offered by Representatives Belatti, Ichiyama, Lowen, Luke, Morikawa, Rhoads, San Buenaventura and Takumi.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE STATE OF HAWAII'S SUPPORT OF PLANNED PARENTHOOD, RECOGNIZING ITS VITAL ROLE IN PROVIDING HEALTH CARE, AND DENOUNCING VIOLENCE TOWARDS ABORTION PROVIDERS AND THEIR PATIENTS," was jointly offered by Representatives Ichiyama, Belatti, Evans, Lowen, Luke, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING REFORM IN THE MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING CHILD SEXUAL ABUSE AND INCREASED TRANSPARENCY IN THE MILITARY JUSTICE SYSTEM AND MILITARY REPORTING OF CRIMINAL SEX OFFENSES INVOLVING CHILDREN," was jointly offered by Representatives Belatti, DeCoite, Evans, Fukumoto Chang, Ichiyama, Lowen, Luke, Matsumoto, Morikawa, Rhoads, San Buenaventura, Takumi and Thielen.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO VIGOROUSLY ENFORCE LAWS REGARDING THE LABELING OF PREVIOUSLY FROZEN FISH," was jointly offered by Representatives Lowen, Belatti, Lee, McKelvey, Morikawa and Ohno.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION URGING APPROPRIATE STATE AND COUNTY AGENCIES TO COLLABORATE TO ISSUE MULTI-DESIGNATION SPECIAL LICENSE PLATES TO PERSONS WHO QUALIFY FOR MORE THAN ONE SPECIAL LICENSE PLATE," was jointly offered by Representatives Lowen, Belatti, Ito, Lee, LoPresti, Morikawa, Ohno, Woodson and Onishi.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCLUDE NEIGHBOR ISLAND SCHOOL COMPLEXES IN HEAT ABATEMENT STUDIES, USE SCIENTIFIC DATA AND METHODS TO DETERMINE HEAT ABATEMENT PRIORITY RANKINGS OF SCHOOLS, AND INCREASE TRANSPARENCY IN THE METHODOLOGY USED TO DETERMINE PRIORITY RANKINGS," was jointly offered by Representatives Lowen, Belatti, Ito, Lee, McKelvey, Morikawa, Ohno, Rhoads, Takumi, Woodson and Onishi.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A PEACE CORPS PREP PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA," was jointly offered by Representatives Thielen and Takumi.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO PROTECT PUBLIC HEALTH BY UPDATING ITS RULES REGARDING TUBERCULOSIS," was jointly offered by Representatives Har, Aquino, Creagan, DeCoite, Ichiyama, Ito, Jordan, Kawakami, Kong, Oshiro, Say, Takayama, Tokioka, Tsuji and Yamashita.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY ON WHETHER A STATE LUXURY TAX WOULD BE BENEFICIAL TO HELP WITH ISSUES SUCH AS AFFORDABLE HOUSING, HOMELESSNESS, AND EDUCATION COSTS," was jointly offered by Representatives Say and Oshiro.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A TWO-YEAR PILOT PROJECT TO IMPLEMENT CONTRACTS FOR SERVICES FOR STUDENTS WITH DISABILITIES ON A BLOCK BASIS RATHER THAN ON A ONE-TO-ONE BASIS," was jointly offered by Representatives Takumi and Ohno.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING APRIL 28, 2016, AS "WORKERS' MEMORIAL DAY" IN HAWAII IN MEMORY OF WORKERS KILLED, INJURED, OR DISABLED IN THE WORKPLACE," was jointly offered by Representatives Takumi, Aquino, Belatti, Brower, Cachola, Creagan, Cullen, Hashem, Johanson, Kobayashi, Lee, LoPresti, Lowen, McKelvey, Mizuno, Nakashima, Nishimoto, Ohno, Saiki, Souki, Takayama, Tsuji, Yamane, Yamashita and Luke.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO DEVELOP AND IMPLEMENT A STATEWIDE EMERGENCY MANAGEMENT SIMULATION EXERCISE," was offered by Representative Ito.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND SAFETY BENEFITS OF RELOCATING THE HAWAII STATE HOSPITAL'S PLANNED FORENSIC UNIT TO THE CORRECTIONAL FACILITY PLANNED TO BE BUILT ON OAHU," was offered by Representative Ito.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL," was offered by Representative Ito.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP ON THE ELDERLY," was jointly offered by Representatives Morikawa, Belatti, Creagan, Hashem, Ito, Jordan, Kobayashi, Mizuno, Nakashima, Onishi, Oshiro and Thielen.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO LANDSCAPE HAWAII'S PUBLIC HIGHWAYS AND ROADS BY PLANTING MORE TREES," was offered by Representative Ohno.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM," was offered by Representative Takayama.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO CONSIDER PLACING ON THE 2018 GENERAL ELECTION BALLOT THE QUESTION OF WHETHER A STATE CONSTITUTIONAL CONVENTION SHALL BE HELD," was offered by Representative Tsuji, by request.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO ASSESS THE FEASIBILITY AND THE POTENTIAL MERITS AND BENEFITS OF THE ENERGY COOPERATIVE MODEL FOR THE ISLAND OF HAWAII," was jointly offered by Representatives Lowen, Creagan, Evans, Lee, Nakashima, San Buenaventura, Tsuji and Onishi.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE HONOLULU INTERNATIONAL AIRPORT AS THE DANIEL K. INOUE INTERNATIONAL AIRPORT," was jointly offered by Representatives Nishimoto, Belatti, Brower, Choy, Creagan, Cullen, Evans, Fukumoto Chang, Hashem, Ichiyama, Ing, Ito, Johanson, Jordan, Kawakami, Keohokalole, Kobayashi, Kong, Lowen, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Nakashima, Ohno, Onishi, Oshiro, Pouha, Rhoads, Saiki, San Buenaventura, Say, Souki, Takayama, Takumi, Thielen, Tokioka, Tsuji, Tupola, Ward, Woodson, Yamane and Yamashita.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONDUCT A STUDY ANALYZING THE IMPACTS OF RETAIL ON HAWAII'S ECONOMY, WITH A FOCUS ON THE PURCHASE OF GOODS THROUGH THE INTERNET," was jointly offered by Representatives Kawakami, Brower, Cachola, Choy, Ito, Kong, Tokioka, Tsuji, Woodson and Onishi.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF OF THE DEPARTMENT OF HEALTH EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH TO CONVENE AND CHAIR A WORKING GROUP TO DEVELOP A COMMUNITY PARAMEDIC PROGRAM, INCLUDING EDUCATIONAL STANDARDS FOR CERTIFICATIONS, TO ALLEVIATE EMERGENCY SERVICES FROM RESPONDING TO NON-EMERGENCY CALLS," was jointly offered by Representatives Belatti, Creagan, Fukumoto Chang, Hashem, Kobayashi and Morikawa.

- 2104, SD2 Committee on Judiciary, then to the Committee on Finance
- 2112, SD1 Committee on Judiciary
- 2113, SD1 Committee on Judiciary, then to the Committee on Finance
- 2121, SD1 Committee on Judiciary
- 2123, SD1 Committee on Water & Land, then to the Committee on Finance
- 2131, SD2 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 2135 Committee on Consumer Protection & Commerce, then to the Committee on Finance

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.B.
Nos.

Referred to:

- 83, SD1 Committee on Tourism, then to the Committee on Higher Education, then to the Committee on Finance
- 668, SD1 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 814, SD1 Committee on Education, then to the Committee on Finance
- 1000, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 1311, SD2 Committee on Education, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 2026, SD2 Committee on Water & Land, then to the Committee on Finance
- 2029 Committee on Judiciary, then to the Committee on Finance
- 2030, SD1 Committee on Judiciary, then to the Committee on Finance
- 2076, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 2077, SD1 Committee on Labor & Public Employment, then to the Committee on Finance
- 2083, SD1 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
- 2085, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
- 2100, SD2 Committee on Judiciary, then to the Committee on Finance
- 2101, SD1 Committee on Judiciary, then to the Committee on Finance
- 2103, SD1 Committee on Judiciary, then to the Committee on Finance

- 2149, SD2 Committee on Judiciary, then to the Committee on Finance
- 2153, SD1 Committee on Health, then to the Committee on Judiciary
- 2156, SD1 Committee on Water & Land, then to the Committee on Judiciary, then to the Committee on Finance
- 2162, SD2 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
- 2163, SD2 Committee on Water & Land, then to the Committee on Judiciary
- 2181, SD2 Committee on Health, then to the Committee on Judiciary
- 2193, SD2 Committee on Public Safety, then to the Committee on Judiciary
- 2196, SD2 Committee on Judiciary, then to the Committee on Finance
- 2213, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
- 2217, SD2 Committee on Agriculture, then to the Committee on Finance
- 2231 Jointly to the Committee on Human Services and the Committee on Education, then to the Committee on Finance
- 2232, SD2 Committee on Human Services, then to the Committee on Education, then to the Committee on Finance
- 2240, SD1 Committee on Health, then to the Committee on Finance
- 2244, SD1 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
- 2246 Committee on Transportation, then to the Committee on Judiciary
- 2247, SD1 Committee on Judiciary
- 2249, SD2 Committee on Water & Land, then to the Committee on Finance

2257, SD1	Committee on Energy & Environmental Protection, then to the Committee on Water & Land	2387, SD2	Committee on Education, then to the Committee on Health, then to the Committee on Finance
2271, SD2	Committee on Water & Land, then to the Committee on Finance	2388	Committee on Higher Education, then to the Committee on Finance
2277	Committee on Human Services, then to the Committee on Finance	2389, SD1	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
2294, SD2	Committee on Judiciary, then to the Committee on Finance	2390, SD1	Committee on Health, then to the Committee on Finance
2301, SD1	Committee on Economic Development & Business, then to the Committee on Finance	2392, SD2	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2302, SD1	Committee on Economic Development & Business, then to the Committee on Finance	2394	Committee on Health, then to the Committee on Finance
2309, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2396, SD2	Committee on Human Services, then to the Committee on Finance
2313, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2397, SD1	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2315, SD2	Committee on Human Services, then to the Committee on Judiciary	2398, SD2	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
2317, SD2	Committee on Health, then to the Committee on Finance	2408, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2318, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2411, SD2	Committee on Judiciary, then to the Committee on Finance
2321, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2419	Committee on Judiciary, then to the Committee on Finance
2323, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2425, SD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2328, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2426	Committee on Education, then to the Committee on Finance
2329, SD1	Committee on Water & Land, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2428, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
2330, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2438, SD2	Committee on Judiciary, then to the Committee on Finance
2343, SD1	Committee on Housing, then to the Committee on Finance	2439, SD1	Committee on Judiciary, then to the Committee on Finance
2346, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2442, SD1	Committee on Legislative Management, then to the Committee on Finance
2355, SD2	Committee on Water & Land, then to the Committee on Judiciary, then to the Committee on Finance	2444, SD2	Committee on Judiciary, then to the Committee on Finance
2366, SD1	Committee on Judiciary, then to the Committee on Finance	2446, SD1	Committee on Judiciary, then to the Committee on Finance
2375, SD1	Committee on Transportation	2448, SD2	Committee on Water & Land, then to the Committee on Finance
2376, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2451, SD2	Committee on Water & Land, then to the Committee on Judiciary, then to the Committee on Finance
2384, SD1	Committee on Health, then to the Committee on Judiciary	2454, SD1	Committee on Finance
2385, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2462, SD2	Committee on Water & Land, then to the Committee on Finance
		2476, SD2	Committee on Health, then to the Committee on Education, then to the Committee on Finance

2483, SD2	Jointly to the Committee on Public Safety and the Committee on Transportation, then to the Committee on Judiciary	2570, SD2	Committee on Housing, then to the Committee on Finance
2493, SD2	Committee on Economic Development & Business, then to the Committee on Finance	2580, SD1	Committee on Water & Land, then to the Committee on Judiciary
2494, SD2	Committee on Economic Development & Business, then to the Committee on Finance	2582, SD1	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, then to the Committee on Finance
2495, SD2	Committee on Economic Development & Business, then to the Committee on Finance	2583	Committee on Human Services, then to the Committee on Finance
2496, SD2	Committee on Judiciary, then to the Committee on Finance	2600, SD1	Committee on Judiciary, then to the Committee on Finance
2498	Committee on Judiciary, then to the Committee on Finance	2603, SD1	Committee on Education, then to the Committee on Finance
2501, SD2	Committee on Economic Development & Business, then to the Committee on Finance	2604, SD1	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance
2504, SD2	Committee on Economic Development & Business, then to the Committee on Finance	2607, SD2	Committee on Education, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2512, SD1	Committee on Judiciary, then to the Committee on Finance	2611, SD1	Committee on Education, then to the Committee on Finance
2522, SD1	Committee on Judiciary	2615, SD2	Committee on Health, then to the Committee on Education, then to the Committee on Consumer Protection & Commerce
2523, SD1	Jointly to the Committee on Health and the Committee on Judiciary, then to the Committee on Finance	2618, SD1	Committee on Transportation, then to the Committee on Finance
2535, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water & Land, then to the Committee on Finance	2620, SD1	Committee on Water & Land, then to the Committee on Judiciary, then to the Committee on Finance
2542, SD2	Committee on Finance	2624, SD2	Committee on Education, then to the Committee on Finance
2544, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2630, SD1	Committee on Public Safety, then to the Committee on Finance
2547, SD1	Committee on Finance	2638, SD1	Committee on Water & Land, then to the Committee on Finance
2554	Committee on Judiciary, then to the Committee on Finance	2639	Committee on Water & Land, then to the Committee on Finance
2556, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	2645, SD2	Committee on Water & Land, then to the Committee on Finance
2557, SD2	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance	2652, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
2559, SD1	Committee on Human Services, then to the Committee on Finance	2659, SD2	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2560, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2661, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance
2561, SD2	Committee on Housing, then to the Committee on Finance	2666, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2562, SD1	Committee on Judiciary, then to the Committee on Finance	2667, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2563, SD1	Committee on Housing, then to the Committee on Finance	2668, SD2	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2566, SD1	Committee on Housing, then to the Committee on Finance	2669, SD1	Committee on Human Services, then to the Committee on Consumer Protection & Commerce

2672, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2791, SD1	Committee on Economic Development & Business, then to the Committee on Finance
2673, SD2	Committee on Tourism, then to the Committee on Consumer Protection & Commerce	2793, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2677, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2797, SD1	Committee on Education, then to the Committee on Finance
2679, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2799, SD2	Committee on Agriculture, then to the Committee on Finance
2681, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2800, SD1	Committee on Agriculture, then to the Committee on Finance
2684, SD1	Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2802, SD1	Committee on Water & Land, then to the Committee on Judiciary
2685, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2803, SD2	Committee on Agriculture, then to the Committee on Finance
2687, SD1	Committee on Health, then to the Committee on Finance	2804, SD2	Committee on Agriculture, then to the Committee on Finance
2688, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2805, SD1	Committee on Public Safety, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2689, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2807, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2690, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2810, SD1	Committee on Judiciary
2691, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2811, SD2	Committee on Human Services, then to the Committee on Judiciary
2715, SD1	Committee on Transportation, then to the Committee on Finance	2812, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2724, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2813, SD1	Committee on Judiciary
2731, SD1	Committee on Education, then to the Committee on Finance	2815, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2738, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance	2816, SD1	Committee on Water & Land, then to the Committee on Judiciary
2755, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2822, SD2	Committee on Housing, then to the Committee on Finance
2767, SD2	Committee on Higher Education, then to the Committee on Finance	2829, SD1	Committee on Water & Land, then to the Committee on Finance
2773, SD2	Committee on Energy & Environmental Protection, then jointly to the Committee on Water & Land and the Committee on Agriculture, then to the Committee on Finance	2833, SD2	Committee on Housing, then to the Committee on Finance
2776, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2838, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
2780, SD1	Committee on Education, then to the Committee on Finance	2839, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
2782, SD1	Committee on Education, then to the Committee on Finance	2844, SD2	Committee on Finance
2787, SD2	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance	2845	Committee on Finance
2788	Jointly to the Committee on Agriculture and the Committee on Water & Land, then to the Committee on Finance	2848	Committee on Consumer Protection & Commerce, then to the Committee on Finance

2850, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2906	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2851, SD1	Committee on Consumer Protection & Commerce	2910, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2852, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2912, SD2	Committee on Judiciary
2853, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2914, SD1	Jointly to the Committee on Public Safety and the Committee on Judiciary, then to the Committee on Finance
2854, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2915, SD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2855, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2916, SD1	Committee on Public Safety, then to the Committee on Judiciary
2857, SD2	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	2923, SD1	Committee on Finance
2858, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2924, SD2	Committee on Judiciary, then to the Committee on Finance
2859, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2925, SD1	Committee on Finance
2861, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2928, SD2	Committee on Economic Development & Business, then to the Committee on Finance
2863, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance	2931, SD1	Committee on Transportation, then to the Committee on Finance
2864, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce	2934, SD2	Committee on Transportation, then to the Committee on Finance
2867	Committee on Education, then to the Committee on Finance	2938, SD2	Committee on Transportation, then to the Committee on Finance
2873	Committee on Human Services, then to the Committee on Judiciary	2940, SD2	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
2876, SD1	Jointly to the Committee on Housing and the Committee on Water & Land, then to the Committee on Finance	2943, SD2	Committee on Higher Education, then to the Committee on Finance
2878, SD1	Committee on Human Services, then to the Committee on Finance	2946, SD2	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Judiciary
2885, SD1	Committee on Health	2954,	Committee on Judiciary
2886, SD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2955, SD1	Committee on Judiciary
2888, SD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2956, SD1	Committee on Health, then to the Committee on Judiciary
2894, SD2	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2961, SD2	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2895, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2964, SD1	Committee on Judiciary, then to the Committee on Finance
2896, SD1	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	2972, SD1	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
2898, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then to the Committee on Finance	2976, SD2	Jointly to the Committee on Education and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2904	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance	2981, SD1	Committee on Education, then to the Committee on Finance

2983, SD1	Committee on Water & Land, then to the Committee on Finance	3105, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2987, SD2	Committee on Tourism, then to the Committee on Finance	3108, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water & Land, then to the Committee on Finance
2998, SD2	Committee on Housing, then to the Committee on Finance	3109, SD1	Committee on Economic Development & Business, then to the Committee on Finance
3000, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	3110, SD1	Committee on Economic Development & Business, then to the Committee on Finance
3011, SD2	Committee on Economic Development & Business, then to the Committee on Finance	3112, SD1	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
3017, SD1	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	3113, SD1	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Labor & Public Employment, then to the Committee on Finance
3033, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	3126, SD2	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance
3034, SD1	Committee on Judiciary, then to the Committee on Finance		
3036, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary		
3037, SD1	Committee on Water & Land, then to the Committee on Finance		
3038, SD2	Committee on Labor & Public Employment, then to the Committee on Finance		
3070, SD1	Committee on Finance		
3072, SD2	Jointly to the Committee on Transportation and the Committee on Water & Land, then to the Committee on Finance		
3073, SD2	Committee on Higher Education, then to the Committee on Finance		
3076, SD2	Jointly to the Committee on Transportation and the Committee on Water & Land, then to the Committee on Economic Development & Business, then to the Committee on Finance		
3077, SD1	Jointly to the Committee on Transportation and the Committee on Water & Land, then to the Committee on Finance		
3080, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary		
3081, SD1	Committee on Labor & Public Employment, then to the Committee on Finance		
3084, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance		
3085, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce		
3092, SD2	Committee on Economic Development & Business, then to the Committee on Labor & Public Employment, then to the Committee on Finance		
3099, SD1	Committee on Education, then to the Committee on Finance		
3101, SD1	Committee on Economic Development & Business, then to the Committee on Finance		
3102, SD1	Committee on Economic Development & Business, then to the Committee on Finance		

ADJOURNMENT

At 1:12 o'clock p.m., on motion by Representative Evans, seconded by Representative Pouha and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 11, 2016. (Representatives Oshiro, Say, Tokioka, Ward and Woodson were excused.)

SUPPLEMENTAL CALENDAR #1

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 352 through 354) were received by the Clerk:

Sen. Com. No. 352, transmitting S.B. No. 2369, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAII RENEWABLE RESOURCES, LLC," which passed Third Reading in the Senate on March 10, 2016.

Sen. Com. No. 353, transmitting S.B. No. 2372, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ROADS," which passed Third Reading in the Senate on March 10, 2016.

Sen. Com. No. 354, transmitting S.B. No. 2693, SD 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 10, 2016.

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"March 9, 2016

The Honorable David Y. Ige
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Ige:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following bills, copies of which are attached hereto:

S.B. No. 2419

"PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF HAWAII."

S.B. No. 2498

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII."

S.B. No. 3034, S.D. 1

"PROPOSING AN AMENDMENT TO ARTICLE I OF CONSTITUTION OF THE STATE OF HAWAII TO ESTABLISH RIGHTS FOR VICTIMS OF CRIMES."

S.B. No. 2554

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE DISPOSITION OF EXCESS REVENUES."

Respectfully,
/s/ Carol T. Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosures

cc: Brian Takeshita, Clerk of the House
Scott T. Nago, Chief Election Officer"