

THIRTIETH DAY

Wednesday, March 16, 2016

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

The invocation was delivered by Mr. Rexter Alcubilla, after which the Roll was called showing all Members present with the exception of Representatives Cachola, Kong and Say, who were excused.

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

INTRODUCTIONS

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

Representative Takumi introduced 4th grade students from Pearl City Elementary School: Mikaela Scarborough and mother Monica, Rayna Aaron and mother Melissa, Kayla Calvo and father Mark, and Aaron Scrogins and father Johnny; and teacher, Mr. Russell Minobe.

Representative Evans introduced from Waikoloa Middle School, Waikoloa Asian Pacific Islander Student Alliance: instructor, Ms. Dana Goya; chaperones, Ms. Cassie Lamson and Mr. Greg Subiono; and students, Darryl, Arlamar, Abjang, Noelani, Ralynn, Floriana, Hanako, Maima and Clarissa; and her staff, Gregory Fischbach.

Representative Onishi introduced his staff, Isaac Goya, brother of Dana Goya.

Representative Luke introduced Mrs. Joyce Ito, wife of Representative Ito.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 155) was announced by the Clerk and the following action taken:

H.R. No. 155, entitled: "HOUSE RESOLUTION IOLANI SCHOOL VARSITY BOYS WRESTLING TEAM 2016 STATE CHAMPIONS," was jointly offered by Representatives Ito, Lee and Nishimoto.

Representative Nishimoto moved that H.R. No. 155 be adopted, seconded by Representative Lee.

Representative Nishimoto congratulated Iolani School on being the 2016 ILH and State Boys Wrestling Champions, a sport that requires extreme dedication, discipline, perseverance and sacrifice, and noted that their "One Team" concept was their driving motivation to the championship.

Representative Lee, as a proud alumnus, congratulated the team and introduced honorees who were seated on the Floor of the House:

Mr. Walden Au, Head Coach;
Jake Nakasone, James Mizota and KJ Pascua, Team Captains; and
Dane Yamashiro and Sai Fautanu, Team Members.

Representative Lee also recognized guests who were seated in the gallery:

Team Members: Kainoa Torigoe, Ka'ua Nishigaya, Colby Watase, Hunter Fujiwara, Jake Angelo, Kaysen Takenaka, Isaac Anderson, Akihiro Iwakiri, Hunter Kam, Charles Kam and Ta'aga Tuulima; and

Coaches: Brent Kakesako, Jeremy Niwa, Brad Takenaka, Keiko Akamine, Ryan Hamaguchi, Ryan Honbo, Zach Matayoshi, Dan Nishita, Ian Akamine, Darryl Teruya, Trenton Teruya, Andrew Chung, Tomo Hirai, Elmer Parwani, Keala Shiigi and Jenna Tamashiro.

Representative Ito shared a story on Iolani's concept of "One Team" which was introduced by Father Kenneth Bray 75 years ago, how late Head Coach Stanford Teruya invited his 7th grade grandson to sit with the team during a match even though he wasn't a team member at the time, and congratulated his grandson James Mizota and the rest of the team on the championship.

Representative Pouha also offered his congratulations to the wrestling team.

The motion was put to vote by the Chair and carried, and H.R. No. 155 was adopted, with Representative Kong being excused.

At 12:21 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1034-16) recommending that S.B. No. 2031 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2031, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representative Kong being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1035-16) recommending that S.B. No. 2445, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2445, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting aye with reservations, with Representative Thielen voting no, and with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1036-16) recommending that S.B. No. 2026, SD 2, 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. 2026, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1037-16) recommending that

S.B. No. 2156, 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. 2156, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1038-16) recommending that S.B. No. 1374, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1374, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Second Reading and was referred to the Committee on Agriculture, with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1039-16) recommending that S.B. No. 2329, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2329, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY INTERESTS IN REAL PROPERTY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1040-16) recommending that S.B. No. 2660, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kong being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1041-16) recommending that S.B. No. 2451, SD 2, 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. 2451, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 183, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kong being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 1700, HD 1:

Representative Saiki moved that H.B. No. 1700, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise to speak in favor of House Bill 1700, House Draft 1.

"Mr. Speaker, I would like to first recognize the hard working budget staff of the Finance Committee. When I call your name please stand, and Members if you could hold your applause until everyone is recognized.

"First up, of course, is the Budget Chief, Albert Vargas. Next is Derek Shigano, and this is the guy you want to know because he is also the CIP Specialist. Julie Yang, who also is my Office Manager. Slowly walking in is Stacey Tagala. Aadel, who is also known as AJ, also known as Aj Khandaker. Daniel Park, Bethany Foo, Sean Patrick, and Julian Downey who is a returnee, he actually worked in all three sections, the front office, the research section which is the bills section, and the budget section, so he knows the ins and outs of the whole Finance Committee. Matt Tsujimura who is doing his fourth term working in Finance because he's a glutton for punishment and he keeps coming back. And of course, last but not least, Nan Kalupahana somewhere. Is he in there? Okay, he's in there. So if we could give a round of applause to all these folks. Okay, you can sit down.

"One of the things I learned this year, Mr. Speaker, I've been in Finance for four years and I've known Nan for longer than that and I think we all know Nan. And for the first time, we've all called him Nan or Nandana, but for the first time I found out that's not the right pronunciation. And he, because being a good staff, he just endured us calling him the wrong name. So, it's actually Nandana. So if we could all say it together, so as not to offend him, it's Nandana. So together, one, two three. So we, I truly want to apologize to Nan for mispronouncing your name as Nandana and kinda like putting an Anglo-Saxon pronunciation to it, so my apologies to you. So, we will not do that anymore. So, it's Nandana.

"So if you could all join me, because these guys work hours, and when I go home at five or sometimes at four I run away and I refuse to work on weekends sometimes, these guys are here all the time and they answer all the questions and they are very receptive to any Member. And so these folks, they are the ones making sure that people don't miss their assignments, and during the interim as well a lot of these folks have helped us organize a lot of the interim assignments. So if we could just give them a round of applause again.

"And of course, I want to thank the members of the committee. I have become very good friends with each and every one of you and I depend on all of you for your insight and thoughtfulness. I think in the Finance Committee, even during long hours, we really are fond of each other and we laugh at each other and I appreciate all the hard work that you all put in. Especially our newest member, I know it was a learning curve, but he is a terrific participant, so you also deserve a round of applause, all of you folks.

"I also want to thank the CIP Chair, because he is low key and he does his work, but as soon as he gets the executive budget, he has his full-on big screen computer. Oh, am I out of time already?"

Representative Mizuno rose to yield his time, and the Chair "so ordered."

Representative Luke continued, stating:

"I was having too much fun. Thank you very much, Vice Speaker. And as soon as he gets the executive budget it's like a kid in a candy store, and he lays out every single project in this huge, big screen and he goes, oh, look, look, look what they're doing, oh, look, look what I found. And I never see him so animated other than when he's looking at his screens. So, it gives him so much pleasure. But he does such a terrific job, so my deepest gratitude goes to the CIP Chair who does a terrific job and we don't recognize enough what hard work he puts in, so thank you.

"And if it wasn't for the GIA Chair, I would be having to meet with the 200-plus GIA applicants. But he spares me. I just can't possibly meet with every single one. He goes through every single applicant, he points out deficiencies and he always looks for ways to make the system better and transparent. And for us to even think about going through 200-somewhat applications and sorting through every single one and being fair and

reasonable, I don't envy his job, so I want to just thank him. And we're getting ready for our GIA hearing on Friday, so he just does a terrific job. So thank you, GIA Chair.

"And my thanks go to also the subject matter chairs. They really look at the budget in their areas and they give terrific input, especially, I know this person enjoys looking at every single dime and penny, and you know who I'm talking about. Yeah, it's not Angus. Yeah, it's you. The Chair of the Higher Education Committee, along with the Vice Chair, they really look for all kinds of different solutions in the UH budget. For them to do this kind of in-depth work as subject matter chairs, it's really terrific.

"Where I want to bring the Finance Committee is to build our budget in the future, and they are kind of leading the stage and leading the example to where we need to be several years from now, so we can call this a truly legislative budget as opposed to an executive budget. So thank you to all the chairs, and for timely prioritizing your bills as well.

"Mr. Speaker, today instead of just talking about how I do the usual Council on Revenues and how much the budget is costing us and all the number things, but I can see by your faces that you are already bored with my speech and I am already eight minutes in, and my apologies to the Ewa Representative from the other side, since at that point when he thought, oh are you going to spend ten minutes on your speech? I thought, there's no way I'm going to spend ten minutes, but looks like I am and more. So my apologies.

"So, instead of doing all that, I'm just going to cut to the chase and I'm just going to talk about the vision of the Finance Committee. Four years ago, this committee sought to address long standing problems in the state budget. That's why four years ago, the committee took an aggressive approach to reducing the number of vacancies by eliminating about 1,000 positions that have been vacant for over one year. Of course, at the end of the budget, we only ended up eliminating only a handful because it was in agreement between the Executive and the House and the Senate.

"But what this committee found is that filling vacancy was not a human resources problem or a willingness problem, it became quite clear that the departments were forced to leave vacant positions unfilled so that they could use the funding for positions to pay for sick leave and vacation payouts when one of their own employees retired."

Representative Johanson rose to yield his time, and the Chair "so ordered."

Representative Luke continued, stating:

"Thank you, Representative. Therefore, the committee began creating vacation payout funds for the departments, and I want to thank all the members of the committee who participated in this approach and understood what it needed, what we needed to change the mentality and the way we do budget in state government. And I think the Members agree that no department should be forced to pass on hiring a qualified staffer, just because there wasn't enough money to pay for retiree benefits.

"The other thing was that departments use vacant positions to fully fund positions that had not received full funding for critical positions in the past. And for me I am a skeptic because I think, what critical positions would there be in the state budget? Well, as an example, first deputy of the Attorney General's Office has never been fully funded. And I would think that's kind of a critical position. And the budget person in the Attorney General's Office was never fully funded either, and the budget person for the Attorney General's Office is also a critical position. And the deputy controller, the deputy director of DAGS, was not fully funded. So I could go on, but I think you folks get the gist.

"And so this year, the committee has also found that the deputy adjutant general is not funded, so we have fully funded that deputy adjutant general position as well. So the committee will continue to search for critically unfunded positions, so that the departments would not need to rely on vacancy savings to backfill these positions.

"If that was the end of the problem then I think it would be simpler, but that is not where the problem ends. The complicated weave between the use of special funds and general funds further exacerbates the issue, and as a result the Legislature loses its power of appropriation. And that way, neither the Legislature nor the public knows how the money is being spent. That is why the Department of Health somehow ended up using tobacco funds to buy a bunch of bicycles. And that is why the Department of Agriculture used the barrel tax money to pay for a grant to youth choir.

"I am sure if we can reign in the special funds, then some of these things would not have happened. That is why the committee has continued to examine special funds, and I want to thank the members of the Finance Committee who have taken special interest in this area and for helping me with that. And I know you know who you are.

"The committee will continue with its work to ensure that departments use their funds for what they were intended, and I think that's the same kind of mantra that the Chair of Higher Education goes for. If we give the money, then it should be used for what it's intended.

"There are many problems associated with use of vacancy savings, special funds and temporary assignments, among others, that lead to unclear budgeting process. And unless we do these clean-up things now during the times when we are economically stable, we will have a difficult time when the economy sours and the Legislature is forced to make cuts to programs and services.

"I can say now though, Mr. Speaker, the relationship between the departments and the Legislature has greatly improved. At first, the departments were skeptical of the creation of the vacation funds, but now almost every department, including the Legislature, wants to create such a fund so that they don't have to not fill positions to pay retiree benefits. The departments are now being more judicious when requesting new positions, if there are vacancies within its own department. And they are also willing to convert programs attached to special funds to general funds.

"Mr. Speaker, the budget is more than just a funding mechanism for the executive branch. This budget is part of the committee's goal to true up and be transparent about how the public's money is being spent. Therefore, I respectfully submit this budget for you and your Members' consideration. Thank you."

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

"Thank you, Mr. Speaker. In strong support. Thank you. This budget bill, in my observation, is a strong statement, a testament, emphasizing the commitment for all in the State of Hawaii. It includes the addition of new sections, providing unrestrained support for agriculture sustainability in our State of Hawaii.

"With this in mind, Mr. Speaker, I'd like to take at least this initial time to thank State House Finance Committee Chair, who hails from Makiki/Punchbowl, and her associates, for having the wisdom and fortitude for tediously taking time to carefully review a very important segment of this bill and amending our session laws as they pertain to agriculture. Agriculture biosecurity, Mr. Speaker.

"These concerns started over decades ago. Invasive species have become more and more of a problem, disrupting transportation improvements at Kahului Airport in the 1990's and causing litigations to go to federal and state courts. The court decision resulted in the State being forced to implement invasive action plans at Kahului Airport in the year 2000. With the Hawaii Superferry, the invasive species program was forced to go statewide and became known as Hawaii's biosecurity.

"But unfortunately, Mr. Speaker, invasive species do not just delay transportation improvements. They also cause serious problems with our natural resources and our agricultural industry. In 2009, our agricultural shippers were threatened with embargos by the federal government, warning them that any future pest interceptions on their products would cause them not to be allowed to ship anywhere within the continental United States.

"Now there is also growing concern that interisland shipments and shipping of agricultural shipments will cause problems to the other islands. We will continue to lose farmers if they cannot get their products to market and we will ultimately lose agriculture.

"Now is the time to get biosecurity back on track. After years of waiting, this piece of legislation will put resources to prevention and prioritize items of importance to farmers and growers of our crops. It will direct funds to the commodity associations, to put in pest management systems into agricultural production areas. It will increase the varieties of vegetables, fruits, flowers that are available to our farmers. It will initiate planning for marketing facilities for agricultural products for the Big Island, and it will serve as the prototype for all of our islands.

"This is the first big step. We need to get behind agriculture and continue in every necessary function in order for agriculture to survive. If I may take a few minutes more and identify in this budget bill six very important categories that were agreed upon to present to you today.

"Number one, \$200,000. Inspections have decreased from over 9 million parcels in 2012 down to some, let's say 5 million in 2015. Simple mathematics, over 56% downward. This means risk assessments have not been done since 2013. This is not desirable, this is the ultimate, we need help in this section.

"Three hundred thousand dollars to help our pest inspections for identification and barcoding. Interceptions are not recognized by the federal quarantine agencies, because they need to be identified by federally approved identifiers."

Representative Rhoads rose to yield his time, and the Chair "so ordered."

Representative Tsuji continued, stating:

"Thank you very much. Once the species, and this is very important, has been barcoded, it's submitted to the national database. On subsequent inspections, any body part can be identified as a species by the federal government.

"Number three, \$1.5 million, planning site selection, environmental documentation, preps for preliminary designs for two facilities. And these two facilities need to be separately identified and separate, one for edible and one for not edible. This is in compliance with the federal level of food safety compliance. Again, not desirous, but highly necessary.

"Number four, \$1 million. In 2009, growers were notified by USDA that any infested shipment would jeopardize the ability to ship their agricultural products. Concerns for Hawaii's exportations and California's interception of nursery export products. It wasn't a threat, it's in existence today, we have embargos by the State of California.

"Moving on, \$500,000, the objective of import risk placement is to decrease the amount of import commodities known to be high-risk for introducing destructive invasive species.

"And finally, \$200,000, this will provide for literally extinct prices for farmers, wholesalers and retailers to use, to provide fair pricing for agricultural commodities.

"Collectively, about \$3.7 million. Yes, agricultural initiatives will continue to be necessary for our State of Hawaii. We ask, and I ask fellow legislators to join me in supporting this very important legislation. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in support of HB 1700, HD 1. Thank you, Mr. Speaker. I first would like to thank the Chair of Finance for allowing me to lend my thoughts on the University of Hawaii portion of the budget. And of course I would like to thank my vice chair for whose exceptional cunning is an invaluable tool to me and the budget process.

"This year when reviewing the budget that came from the Governor, your Committee on Higher Education noticed a major component missing from the budget. The missing component was budget allocations, specifically pertaining to students. Throughout the session, your committee worked diligently to craft bills relating to students. And with your help, Mr. Speaker, most of these appropriation bills have crossed over to the Senate for our Finance and Ways and Means Chairs to determine how these student-oriented bills will get funded as a part of the overall state budget.

"Mr. Speaker, they say that if you do the same things over and over again and expect a different result, that's the definition of insanity. In that light, Mr. Speaker, I have continued my quest to make the university understand that they are competing with other needs of our state. Our university management must realize that all states have tremendous pressures on their budget to fund all of the needs of the state.

"The university must manage itself efficiently as to have no question on the value that it gives to our state. The House budget mandates that the university looks internally to ensure that we are receiving the best value. This budget calls upon the university to look within itself, to better manage itself and service the students of the State of Hawaii.

"Mr. Speaker, the time for budget requests that are based on false premises is over. The time for just raising tuitions is over. The time for blaming the Legislature is over. The university management must give value for the money it receives, and therefore I stand in support of HB 1700, HD 1. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising in support of the budget. I just have a few comments that I would like to make. I am delighted to see the strong support for the Department of Agriculture, and I would hope as the budget conferees get together that they could include a proviso that the Department of Agriculture and its chair move ahead quickly, entering a memorandum of understanding with the company HC&S so HC&S can continue or can go ahead with its industrial hemp research project and save some of the jobs that are in jeopardy right now.

"I love provisos, and they can come in and they can say, Chair of Agriculture, there is a two page memorandum of understanding, you can execute similar to what's being done by the Department of Agriculture in Kentucky and the 20 to 30 farmers in Kentucky that are growing hemp now. So I would hope that that would be included as a direction of what ag should do with the money that its getting out of the budget.

"The other thing, Mr. Speaker, every year I stand up with my pie chart and I really don't think any of you can see the sliver that is there that is for Department of Land and Natural Resources. It has 1%, including federal money, of the total budget of the State. And that 1% is what has to keep our islands green, beautiful, with the natural resources protected, and take care of the land and the resources that are the reason that we've become a tourist destination.

"So I would hope that that 1% doesn't shrink further, or you won't be able to see it without a magnifying glass in the pie chart. But even if there is some additional funding that can end up going toward Department of Land and Natural Resources, I think that our state benefits, our resources benefit.

"I do stand in support of the budget and in great respect of the people that have helped on the budget up there in the gallery and the committee members and certainly the chair. And let's hear it for industrial hemp for Department of Agriculture. That is their job, and I'd love to see a directive in there as a proviso. Thank you."

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

"Thank you, Mr. Speaker. I rise in support with grave reservations. First I want to thank the Finance Chair and their hard working committee. I think on balance this is a pretty good document and I wouldn't second

guess them based on all the hours they put in, going across the myriad of government services. My job though here, Mr. Speaker, is to be the voice of the loyal opposition with all due respect to you, sir.

"It is not easy to point out projects that directly impact people I consider friends. I consider you a friend, I consider many people in here a personal friend. It's not easy to criticize a performing arts center when I know the individual directly impacted who's one of the most delightful people you'll ever meet and nicest person, and then I have to see that person in the hall the next day.

"But I have to do it, because my children in my district are depending on me to fight for them. Mr. Speaker, the Maui High School and Campbell High School and Kapolei and inextricably linked. That is because if we build this high school in Maui, there will not be the money for the next decade to relieve West Oahu. And if you don't believe me, call Ray L'Heureux, call the current gentleman who is their administrator, and ask them.

"So what we're left with is a DOE that will be handcuffed. They won't have enough resources, because we are spending this money on a school that I believe is not needed. Now, I'd like to ask that my remarks from second reading be inserted, so I don't have to go through the litany of statistics again," and the Chair "so ordered." (By reference only.)

Representative McDermott continued, stating:

"Thank you, sir. According to the Department of Education, the Educational Specifications For High Schools, Hawaii State Department of Education, chapter 2, section 201.2. The minimum enrollment for a new high school needs to be 1,000 students. To build a new high school, you have to have a minimum enrollment. This will not be the case, based on the enrollment statistics given to us by Colleen Matsumoto, Information Specialist from the Department of Education.

"Maui will have 2,800 students divided by three schools. Nine hundred forty-nine students per school if they divide them equally. They probably won't. The first phase of this school is for 800 students. Not the 1,000 that the department in their own guidelines says is needed.

"Mr. Speaker, we can't build this school. Mr. Speaker, do you know how many portables, portables, this is an interesting note for the media, how many portables are currently on the Campbell campus? Forty-four portable classrooms. Forty-four. This is just unacceptable, Mr. Speaker. And it cannot go on. And unless I speak to this, it will go on.

"Now people are now beginning to become aware of this. Forty-four portables, 3,000 students, going up to 3,500. I like you, Mr. Speaker, I like my colleagues from Maui, I'm not trying to hurt them, but if we build that school, we will hurt my children, literally and figuratively. That's why it cannot be built, because we will handcuff the department for the next decade. How many portables is enough, 60, 65, 66?"

"DOE is going to violate their own regulations to build this school that's not needed. We're going to handcuff the DOE for 10 years, not based on need or merit, this is pure muscle which is pushing this thing through. It's not a student-centered, child-based criteria.

"My colleagues who talk about the children, who talk about the *keiki*, and I'll wrap up here within my time, sir, as I promised you I would. Who always talk about putting the children first, who talk about equity and equality. I can't tell you how many times I've heard that in here. Equity and equality. Student-centered, child-centered. With this measure, we are not doing it. Thank you, sir."

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

"Thank you, Mr. Speaker. I don't think I actually had a speech today, but I would. I could just say thank you to the chair. I really appreciate all the hard work that she's done. And for the Representative from Ewa Beach who has raised concerns about many of our schools, I think we all know that we have facilities at each of our schools that need help.

"I know in Mililani we have some overcrowding issues, too. I would just say that this is not always the forum to raise that. Thank you, Mr. Speaker."

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

"Mr. Speaker, I respectfully rise for the third time in opposition of this budget. As we've heard, this budget has got a lot good stuff in it. A lot of good stuff. As indicated by previous speakers, this budget has a lot of good things in it, Mr. Speaker. A lot of good things. And I want to bear witness to what the chair said. She has been probably one of the best chairs, Mr. Speaker, since you were the chair. You were the chair, once upon a time. In the beginning, there was a Chair of Finance called Joe Souki, and he was a tough guy.

"But she is tough on the departments, Mr. Speaker. I want to bear witness that she brings their feet to the fire, clearly brings their feet to the fire. And for the first time in the history of my tenure, is that she is bringing the special funds under control.

"If you remember the late Lowell Kalapa, he said, look, if you guys keep creating general funds, you might as well all go home, we don't need a Finance Committee because everything is automatically already pumped into the various departments. So I commend her, I commend the staff for all of their work that they have done.

"But, Mr. Speaker, there is a poison pill in all of these great things in this budget. The poison pill is 96 years long, it's \$28 million short. I think you know what I'm talking about. It's the Department of Hawaiian Homes. Mr. Speaker, that pill is so bitter, it's unconstitutional, it's so bitter that the Hawaiian people can't take that, nor can we take it, because we are under a court order, if you will, Mr. Speaker. Between now and the end of this session we are to come up with another \$19 million. Because right now, the only amount in this budget now is \$9 million. It's short \$19 million.

"Mr. Speaker, we don't want to go back to court. We don't want to go back to what even in 1991 was a broken trust task force that says, for the whole history of this program we've had nothing but abdication, rhetoric and other things.

"Mr. Speaker, I want to end on a personal note about this budget. The media called me this morning, saying, why are you talking about this budget so much? Even a colleague here said, what's with you? Mr. Speaker, I want to say a couple of things that go back 30 years. Thirty years ago, Mr. Speaker, my partner, my business partner was Dr. George Kanahele. One of the leading minds of the Hawaiian community. The one who helped design and create the Hawaiian sense of place with the Convention Center, *et cetera*.

"We were training Hawaiians to go into business, and I was doing my PhD at the University of Hawaii. I was interviewing Hawaiians compared to Caucasians. I interviewed 150 Hawaiians. The best and the brightest minds of what it was to be a Hawaiian, to be stereotyped, but to be an entrepreneur and to be successful. What it was like to be a Hawaiian, in that skin.

"So I wrote that dissertation, with an understanding of that when I came into the Legislature, that there is going to be an understanding of the Hawaiian community, Mr. Speaker. But for nine terms I've sat on this floor, stood on this floor, and all I've heard is rhetoric to the Hawaiian community. Except when maybe Cayetano was brought to court and said, OHA, pay your dues with the ceded lands. Then we did divvy it up.

"But, Mr. Speaker, we have not done justice for 96 years with 27,000 people waiting on that list. And for those reasons, Mr. Speaker, I will continue to speak out. Not because it's to shine light on me. Because it's the right thing, Mr. Speaker. And everybody in their heart in this building knows it's the right thing to do. So let's not hold out for this \$19 million, let's give them the \$19 million and let's get on with putting these 27,000 people into their homes, of which we promised many, many, many, many years ago.

"Lastly, Mr. Speaker, I've been warned that, because of my stand, that there may be a repercussion in my district because of the great lawn. I refuse to believe that, Mr. Speaker. So lastly, I want to thank the chair again. I want to thank this body for a great budget. But lastly, Mr. Speaker, I want to thank the people of Hawaii who funded this budget, who make all of this possible. And hopefully someday, for the Department of Hawaiian Home Lands and for the Hawaiian natives waiting on that list, they will too be satisfied. Thank you, Mr. Speaker."

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

"I rise in strong support. I would like to thank Finance Chair for what she has done with this budget. Last year in my first term, she was very generous in giving Puna what it needed, especially with our lava flow, with Iselle. So this year my requests were modest, because she gave us quite a bit last year. We got our Pohoiki boat ramp repair, we got the Pahoia Elementary School walkways, and we understand that everybody else's needs need to be met.

"But I also would like to really thank her for realizing the critical needs of the public safety and fully funding the needs for what Mr. Espinda requested. And for that, I thank her and I stand in strong support. Thank you."

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

"Mr. Speaker, I stand in strong support, and permission to enter written comments. Thank you."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1700.

"First of all, I would like to thank the Chair and Vice Chair of the Committee on Finance, her staff and the rest of the members of the committee for their hard work and dedication on the state budget.

"This budget reflects many long-range solutions within our communities and state. Some of those concerns are in regards to heat abatement and overcrowding in our public school system. We have been receiving and hearing numerous correspondence suggesting temporal solutions that could accumulate in cost and provide a Band-Aid solution. Therefore, I appreciate the chair's efforts in seeking to appropriate funds towards permanent and sustainable solutions as we are being responsible with our taxpayers' dollars."

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

"Thank you, Mr. Speaker. I rise in strong support. I'd just like to personally thank the Chair of Finance as well as the Finance Committee for their diligent work in preparing this budget. I think perhaps our most important job for each of us is going back to our community and delivering what's necessary for them. And this is something that I think we all work to do and we do it by working together. And so I just want to thank everybody who collaborated to make this possible."

Representative McDermott rose to respond, stating:

"Mr. Speaker, people sent me here to do a job. To do a job. And that's to make you better, sir. You better, sir. Part of checks and balances that first grade children learn in civics class. You see, I'm a member of the minority. The loyal opposition. And sir, you know I have a great affection for you, on a personal level and a professional level. But I'm here to do my job. Do my job, sir.

"And my job is to see, when I see a grotesque misfire in the budget, is to alert it. Particularly when it affects the children in my district. And offer a comprehensive solution, which is not to fund the other project, which handcuffs the Department of Education for 10 years. Mr. Speaker, I hope that you respect me for doing my job. I think you do. I know I irritate you when I talk. But I don't mind the Finance Chair talking, I encourage it. I encourage thoughtful discussion and debate.

"And if this isn't the area to bring this up, a school with 3,000 children, 44 portable classrooms, 3,500 in three years, where should I bring it up? I mean, I've talked to my wife about it. It didn't seem to work. I can go in the caucus bathroom by myself, Mr. Speaker, and talk, I suppose. I can go in my office and Representative Ward and I can have a discussion about it. But the public won't know. The media won't know. That's why we're here, to shine the light of antiseptic on poor decisions. And this is a political decision that's been made, not a student-centered, child-based decision.

"Yeah, our schools are overcrowded, but none are grotesquely overcrowded like Campbell High School. Forty-four portables, going up to 3,500 in three years, and we're building a high school on another island where it's not needed, where their enrollment drops by 400, Mr. Speaker.

"Where am I supposed to make this case? On the street corner? Maybe I should call up Tom Berg and we can go smoke a joint together and I can make the case there. Where am I supposed to make the case, Mr. Speaker? In the elevator with the homeless guy? This is my forum, and I have earned the right to do my job. And I am doing my job.

"I refuse to be a lickspittle. I refuse to be a lap dog. I know I won't be part of the cool kid's crowd and I know people are going to hold me at arm's length, because they know I'll bite like a rattlesnake when I see something wrong, but that's my job. That's why I was sent here. And I can go back to the neighborhood board and I can go back to my community and tell them I fought. I gave it all I got. I poured my heart and soul into it.

"Mr. Speaker, when I get done with these speeches, I'm exhausted. I'm emotionally drained. I give everything I got. Because I am not in the caucus with you guys. I'm not part of your team, I'm not on the first string, you see."

Representative Pouha rose to yield his time, and the Chair "so ordered."

Representative McDermott continued, stating:

"Thank you, sir. I appreciate it. So, I'm not in the caucus with you. I can share my concerns on the floor, and that's what I do. I'm not on the Finance Committee, so this is my forum.

"And I'm not going to sacrifice the future of the west side. And I'm going to tell you something, Mr. Speaker. I've sunk my teeth into this, and you know when I sink my teeth into something, I'm relentless. And I guarantee you, I'm going to put my Nostradamus hat on, Nostradamus has been a pretty good predictor around here. I'm going to guarantee you, the Governor will not release this money, when all is said and done.

"It doesn't abide by Department of Education regulations, minimum of 1,000 students. It's not needed. And the people of West Oahu won't stand for it. The Board of Education, I went to see them last night, they weren't fully aware of this, of the exigent circumstances that exist.

"So, Mr. Speaker, I make no apologies for doing my job, being a member of the loyal opposition, shining the light on things that aren't needed in the budget. Particularly when they affect my district and they impact statewide policy, because we will not build another high school for a decade. That's irrefutable. I know nobody on that side cares, but I would encourage the media to call these people. Call Ray L'Heureux, former facilities director, ask him. Call Dan Carlson, ask him.

"So we're sentencing these kids to a classroom with 3,500 students, and all the social ills that come along with a high school that is too big to manage. Teen pregnancy, drug use, fights, all these things will increase.

"So I play second fiddle to no one when it comes to fighting for the children in my district. In my district, Mr. Speaker. My district. Why shouldn't I fight for them? What am I supposed to do? Just, thank you, sir, may I have another one? Throw me a crumb, and say thank you, sir, may I have another one?

"No, I am here to fight for this. And this time, the truth is on my side. The data is on my side. The data is irrefutable. It's from the Department of Education themselves. So I'm here doing my job. Doing my job, I am not a

lickspittle. I am not a lap dog. I am here to do my job, sir, and hold your feet to the fire.

"And now you can bet your sweet bippy, an old saying from Laugh-In, that the Governor is aware of this issue. And he will not release the money. That is what I predict. Thank you, sir."

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

"Thank you, Mr. Speaker. I rise in support. First, I'd like to ask that I can enter comments into the Journal. Thank you, Mr. Speaker. Where to begin. I'll begin with my first week on Finance Committee. We had informational briefings with the Department of Education at which, Mr. Speaker, I asked Superintendent Kathy Matayoshi what the number one priority was for a new high school. At which point she answered it was the Campbell/Kapolei area. That's the first fact.

"The second fact is, having one high school built in one part of the State does not preclude having one built in another part of the State where it is desperately needed, and my district too, Mr. Speaker.

"I ran for the Legislature, Mr. Speaker, because the people who were representing my area were not doing their job adequately to get the funds that were needed for our schools out there, Mr. Speaker. And I am very proud that having served in just a couple of years that I helped turn that around. And I helped get some funds for AC in those schools. And I just want to point out for the record that James Campbell High School, and I want to thank everybody here on the Finance Committee, the Finance Chair, the CIP Chair. James Campbell High School, Mr. Speaker, has the largest crumb being given to it out of any other district in the State.

"And I want to thank my colleagues for recognizing that this is desperately needed. And I've worked very, very hard to get that. And it's not even in my district. But it does, of course, serve my district. I'll reserve the rest of my comments for the Journal. Thank you, Mr. Speaker."

Representative LoPresti's written remarks are as follows:

"Mr. Speaker, House Bill 1700 includes funds to add a new classroom building to James Campbell High School to address overcrowding in the immediate future. That being said, and contrary to some rhetoric out there, plans are definitely in the works for a new high school to be built in East Kapolei that would in part service future students from Ewa and take some of the pressure off of James Campbell High School. This is part of long-term plans that have been in the works for West Oahu to deal with future growth.

"I met with the Department of Education on several occasions on this key issue and they have always indicated that an East Kapolei High School is a major priority. In fact, the Superintendent herself, Kathryn Matayoshi, when I asked her directly in a Finance and Ways & Means Committee informational briefing on January 7 of this year, indicated that an East Kapolei High School is DOE's priority. The DOE is actively looking for an appropriate site for the new school in the area and has been talking to various agencies about lands to use.

"The Legislature has already appropriated funds for planning a new school and it is my understanding that Governor Ige intends to release several million for such plans in the near future. A new school cannot be built overnight, however, and I want to thank Representatives Har and Cullen, Senators Gabbard and Espero, the Chair of Finance, Representative Luke, the House Leadership, the Department of Education, and Governor David Ige for supporting the people of Ewa and working towards a new High School in East Kapolei as a long-term solution as well as working towards a new multi-story classroom as a medium-term solution."

Representative Saiki rose, stating:

"Mr. Speaker, I call for the question. But please permit Members to insert written comments. Thank you."

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

The motion to end debate was put to vote by the Chair and carried, with Representative Kong being excused.

The motion was put to vote by the Chair and carried, and H.B. No. 1700, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 49 ayes to 1 no, with Representative McDermott voting aye with reservations, with Representative Ward voting no, and with Representative Kong being excused.

At 1:43 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1700, HD 1

ANNOUNCEMENTS

Representative Ing: "Mr. Speaker, we had a hearing this morning and for the first time ever in the State House, we had video conferencing testimony. This is a priority of both mine and Vice Chair Lowen's since we first got elected. And I'd like to thank the House Chief Clerk and the IT office for getting that to happen.

"Also, if any other chairs are interested in getting involved in the pilot, please do reach out. It's very important to the people on the neighbor islands and the Ewa side of Oahu. Thank you."

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Ward introduced Nandana Kalupahana of the Finance Committee.

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B.
No.

Re-referred to:

3126, Jointly to the Committee on Energy & Environmental
SD2 Protection and the Committee on Education, then to the
Committee on Finance

ADJOURNMENT

At 1:45 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, Thursday, March 17, 2016. (Representatives Kong and Tokioka were excused.)