

FORTY-FIRST DAY

Monday, April 4, 2016

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

The invocation was delivered by Pastor Diane Martinson of St. Peter's Episcopal Church, after which the Roll was called showing all Members present with the exception of Representatives Rhoads, Souki and Ward, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1103) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1103, informing the House that on March 31, 2016, the following bill was signed into law:

S.B. No. 2825, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS." (ACT 003)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 370 and 371) were received and announced by the Clerk:

Sen. Com. No. 370, transmitting S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REVISION OF FEDERAL REGULATIONS SO THAT HOUSING SUBSIDIES THROUGH THE SECTION 8 RENTAL ASSISTANCE AND HOMEOWNERSHIP PROGRAM PAID DIRECTLY TO AN APPLICANT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ARE EXCLUDED FROM THE CALCULATION OF HOUSEHOLD INCOME TO DETERMINE ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM," which was adopted by the Senate on March 31, 2016.

Sen. Com. No. 371, transmitting S.C.R. No. 131, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF OCTOBER OF EACH YEAR AS "FARM TO SCHOOL MONTH" IN HAWAII TO STRENGTHEN AND SUPPORT FARM TO SCHOOL INITIATIVES IN HAWAII'S SCHOOLS," which was adopted by the Senate on March 31, 2016.

INTRODUCTIONS

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

Representative Morikawa introduced visitors from Prevent Child Abuse Hawaii.

Representative Har, on behalf of Representative Cullen and herself, introduced Boy Scouts from Pack 126 in Kapolei: Webelos Cub Scouts Tyler and Ben Barfuss, Second Class Boy Scout Jared Barfuss, their mother Lauren Barfuss; and Webelos Cub Scout Landon Tupper and his mother Lourdes Tupper.

Representative Cullen introduced his family members, Eric and Christine Santos.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 172) was announced by the Clerk and the following action taken:

H.R. No. 172, entitled: "HOUSE RESOLUTION RECOGNIZING LEGACY OF LIFE HAWAII AND HONORING STEVEN "STEVE" MITSUO GINOZA, LOKELANI MARTHA YOSHIMI KRUSE, JONATHAN PONS AND HIS MOTHER, ELISA DANNALS, AND THEIR RESPECTIVE FAMILIES WHO HAVE SELFLESSLY GIVEN THE GIFT OF LIFE DURING NATIONAL DONATE LIFE MONTH," was jointly offered by Representatives Morikawa, Ohno and Rhoads.

Representative Morikawa moved that H.R. No. 172 be adopted, seconded by Representative Ohno.

Representative Morikawa recognized April as National Donate Life Month, noted how the gift of organs saves many lives, recognized Legacy of Life Hawaii for their dedication to saving and restoring lives by recovering organs and tissue for transplantation, saluted donor families for their efforts to build a healthy and caring Hawaii, and introduced honorees who were seated on the Floor of the House:

Lokelani Martha Yoshimi Kruse, represented by her parents, Peter and Wendy Kruse. Lokelani became an organ donor at the age of 16 after an auto accident took her life. Through organ and tissue donation, she restored sight to two people. They were accompanied by her brother, Tyler, who was seated in the gallery.

Representative Morikawa also recognized staff of Legacy of Life Hawaii who were seated in the gallery:

Ms. Christine Bogue, Executive Vice President and Chief Operating Officer; and
Ms. Nancy Downes, Director of Marketing.

Representative Ohno introduced additional honorees who were seated on the Floor of the House:

Steven Mitsuo Ginoza, represented by his parents, Frank and Jessie Ginoza. Steve became an organ donor at the age of 28 after a tragic accident took his life. His donation of heart, kidneys and liver helped extend and save the lives of four others. They were accompanied by heart recipient, Yolanda Domingo; kidney recipient, Celita Julian; and family of kidney recipient Antonio Sagayadoro who has passed away: Tony's wife, Rina Sagayadoro, and son, Glenn Sagayadoro.

Representative Belatti introduced additional honoree who was seated on the Floor of the House:

Jonathan Christopher Nainoa Pons, represented by his mother, Elisa Dannals. Jonathan became an organ donor after a motorcycle accident took his life. His donation gave the gift of sight to two others. She was accompanied by family members, Butch and Leslie Adams, who were seated in gallery.

Representative Ward commended the life givers, and recognized Ms. CJ Leong, Administrative Services Manager for the Majority Leader, who donated her kidney to former Chief Clerk Patricia Mau-Shimizu.

Representative Ing thanked Legacy of Life for their work and how they have continued to support him and his family after they lost their father who donated his organs when he died at the age of 36, and noted the great need for registered organ donors, especially those under the age of 18.

Representative Tupola thanked Legacy of Life and the families for the sacrifices they have made.

The motion was put to vote by the Chair and carried, and H.R. No. 172 was adopted, with Representatives Rhoads and Souki being excused.

The following resolution (H.R. No. 173) was announced by the Clerk and the following action taken:

H.R. No. 173, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING WAIPAHU HIGH SCHOOL FOR HAVING THE FIRST NATIONALLY RECOGNIZED MODEL ACADEMIES IN THE STATE OF HAWAII," was jointly offered by Representatives Aquino, Cullen, Takumi and Yamane.

Representative Aquino moved that H.R. No. 173 be adopted, seconded by Representative Takumi.

Representative Aquino honored Waipahu High School for being the first school in Hawaii to receive national accreditation for two of their academies from the National Career Academy Coalition out of 18 nationwide that received accreditation, and proudly shared how they were declared high quality academies that met the NCAC's 10 National Standards of Practice and reflected the development, implementation and sustainability of high quality college and career-readiness programs.

Representative Yamane shared how Waipahu High School's Academy of Health & Sciences and Academy of Natural Resources help students to decide what they want to do with their lives, offering them multiple programs of study and providing them with opportunities for college and careers with projects that build personal and professional interest and foster a sense of confidence and optimism in students that is needed when facing difficult challenges in the future, and commended the academies, teachers, administrators, students and board members for their hard work.

Representative Takumi introduced honorees who were seated on the Floor of the House:

Mr. Keith Hayashi, Principal, Waipahu High School, representing Dr. Cedric Lorenzo, Board Chairman, Academy of Health & Sciences; Assistant Professor of Surgery, University of Hawaii John A. Burns School of Medicine Department of Surgery; Director of Bariatric Surgery, The Queen's Medical Center.

Ms. Kelsy Kai-Yamamoto, Lead Teacher, Clinical Health Program, Academy of Health & Sciences, responsible for curriculum design and development and facilitation of industry partnerships for the academy.

Mr. Michael Sana, Lead Teacher, Medical Biotechnology & Research Program, Academy of Health & Sciences; Science Department Chairperson.

Representative Cullen introduced additional honorees who were seated on the Floor of the House:

Ms. Meryl Matsumura, Assistant Principal, Waipahu High School; Academy Principal, Academy of Natural Resources.

Dr. Charles Kinoshita, Vice-Chairman, Academy of Natural Resources; Associate Dean for Academic and Student Affairs, College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa.

Ms. Sherry Tenn, Science Teacher, Waipahu High School; Lead Teacher, Academy of Natural Resources.

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

Stephen Nakano, Jeffrey Garvey, Rebecca Sanborn, Ciara Joy Amores, Lily Amina Feliciano, Tanya Cobbin, Jeminae Solomua, Gabrielle Dang, Don Coloma, Jean Miyahira, Gail Izumigawa and Sherrie-Lee Tallman.

The motion was put to vote by the Chair and carried, and H.R. No. 173 was adopted, with Representatives Rhoads, Souki and Tokioka being excused.

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

The House of Representatives reconvened at 12:55 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1446-16) recommending that S.B. No. 2607, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1446-16 on S.B. No. 2607, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2607, SD 2, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1447-16) recommending that S.B. No. 2886, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1447-16 on S.B. No. 2886, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2886, SD 2, HD 2, were made available to the Members of the House.

At this time, the Chair stated:

"Members, Stand. Com. Report Number 1448-16, Senate Bill 2246, will be deferred one legislative day."

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1448-16) recommending that S.B. No. 2246 pass Third Reading.

By unanimous consent, action was deferred one legislative day.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1449-16) recommending that S.B. No. 2885, SD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2885, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Choy, Ichiyama, Rhoads, Souki and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1450-16) recommending that S.B. No. 2813, SD 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2813, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Choy, Ichiyama, Rhoads, Souki and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1451-16) recommending that S.B. No. 2954, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2954, SD 2, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

Representative Fukumoto Chang rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Fukumoto Chang's written remarks are as follows:

"Mr. Speaker, I rise today in opposition to SB 2954, SD 2, HD 1. This bill would authorize county police departments to enroll individuals who are applying for and registering their firearms into a criminal record monitoring service used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country. This program is known as the Federal Bureau of Investigation's (FBI) 'rap back system.'

"The 'rap back' is a criminal record monitoring service used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country. The federal databases involved in the 'rap back' belong to the International Justice and Public Safety Network, and include: U.S. Immigration and Customs Enforcement query, National Crime Information Center, and National Instant Criminal Background Check System. Additionally, SB 2954, SD 2, HD 1 authorizes the Hawaii Criminal Justice Data Center to access firearm registration data.

"This bill is severely problematic for two main reasons. Firstly, it will almost double the costs associated with registering firearms because applicants will have to pay for state fingerprinting and enrollment in state and federal databases.

"Secondly, although the details about the types of firearms registered would not be in the database, this bill would track firearm ownership – a constitutional right – in the same database that is used to monitor people working in sensitive jobs and verify lack of criminal record (e.g. airline pilots, teachers, law enforcement officers, daycare center workers). This is especially problematic as it appears to monitor individuals simply for exercising an individual right to own a firearm, with the assumption that one day the police might need to seize it if the individual commits a criminal act.

"Hawaii already has some of the strongest gun laws in the nation, including a background check for firearms owners, and I support that. However, I do not believe that adding another background check that will add costs and put firearms owners in a federal database is necessary.

"Mr. Speaker, I believe this bill is a huge overreach into an individual's rights, and for the reasons above I am in opposition to SB 2954, SD 2, HD 1. Thank you Mr. Speaker."

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

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

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

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

"Strong support."

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

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

Representative Pouha 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. 2954, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Har, Oshiro, Pouha, Thielen and Ward voting aye with reservations, with Representatives Fukumoto Chang, Matsumoto, McDermott and Tupola voting no, and with Representatives Choy, Ichiyama, Rhoads, Souki and Tokioka being excused.

ANNOUNCEMENTS

Representative Brower: "Thank you, Mr. Speaker. Yesterday one of our Members celebrated a birthday. What I like about this legislator is that he is a no-nonsense and practical leader. You wouldn't see him trying to get a cheap laugh by putting on a bunny costume for the Women's Caucus.

"Mr. Speaker, let me start over. Members, occasionally a legislator must wear a bunny outfit to help a charity during Easter. Mr. Speaker, I guess what I'm trying to say is when I think of a legislator with a big heart who cares about people, one who has exciting floor presentations, I think of the Legislative Management Committee's Vice Chair. Sitting next to the Vice Chair, a person whose birthday we recognize today. And Members, he is someone who enriches our lives and reminds us to do good. Let's recognize Representative Scott Nishimoto."

Representative Ward: "Mr. Speaker, since we are nearing the end of the session and we may not have many more fellowship luncheons left, I just wanted to announce that Bishop Silva will be tomorrow the luncheon speaker at the fellowship luncheon. Following the session tomorrow, in Room 437."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

- | | |
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| 16 | Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, then to the Committee on Finance |
| 52 | Committee on Education |
| 151 | Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance |

COMMITTEE REASSIGNMENTS

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

S.B.

Nos.

Re-referred to:

- | | |
|--------------|------------------------|
| 2103,
SD1 | Committee on Judiciary |
| 2104,
SD2 | Committee on Finance |

ADJOURNMENT

At 12:59 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, Tuesday, April 5, 2016. (Representatives Choy, Ichiyama, Rhoads, Souki, Thielen and Tokioka were excused.)