

FIFTY-THIRD DAY

Friday, April 22, 2016

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 11:35 o'clock a.m., with Speaker Souki presiding.

The invocation was delivered by Mr. Jeremy Kama Hopkins, Trustee Aide at the Office of Hawaiian Affairs, after which the Roll was called showing all Members present with the exception of Representatives Oshiro, Say and Woodson, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-First and Fifty-Second Days was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1109 through 1111) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1109, informing the House that on April 21, 2016, the following bill was signed into law:

H.B. No. 2639, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS TELECOMMUNICATIONS SERVICE." (ACT 009)

Gov. Msg. No. 1110, informing the House that on April 21, 2016, the following bill was signed into law:

H.B. No. 2494, entitled: "A BILL FOR AN ACT RELATING TO BLOOD GLUCOSE MONITORING." (ACT 010)

Gov. Msg. No. 1111, informing the House that on April 21, 2016, the following bill was signed into law:

S.B. No. 2541, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY." (ACT 011)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 671 through 680) were received and announced by the Clerk:

Sen. Com. No. 671, transmitting H.C.R. No. 65, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF CERTIFIED PROFESSIONAL MIDWIVES," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 672, transmitting H.C.R. No. 22, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING GAME MAMMAL, GAME BIRD, AND FISHING RESOURCES IN ORDER TO PROMOTE SUSTAINABILITY AND FOOD SECURITY AND TO PRESERVE LONG STANDING LOCAL AND CULTURAL PRACTICES," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 673, transmitting H.C.R. No. 32, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE CANCER IN THE FIREFIGHTING PROFESSION," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 674, transmitting H.C.R. No. 66, HD 1, SD 1, 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," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 675, transmitting H.C.R. No. 80, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO DEVELOP AND IMPLEMENT A STATEWIDE EMERGENCY MANAGEMENT SIMULATION EXERCISE," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 676, transmitting H.C.R. No. 157, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO COLLABORATE WITH THE MEDICAL PROFESSIONAL COMMUNITY ON A SURVEY TO DETERMINE THE EXTENT OF THE DEVELOPMENT OF ACCOUNTABLE CARE ORGANIZATIONS AND DIRECT PRIMARY CARE OR CONCIERGE MEDICINE WITHIN THE COMMUNITY AND THE IMPACT OF THESE BUSINESS ARRANGEMENTS ON THE ABILITY OF PATIENTS TO ACCESS PRIMARY CARE SERVICES IN THE STATE," which was adopted by the Senate on April 21, 2016.

Sen. Com. No. 677, dated April 21, 2016, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 801, Inouye, Chair; Riviere, Co-Chair;
HD 1, SD 2 Slom

H.B. No. 1046, Keith-Agaran, Chair; Tokuda, Co-Chair;
HD 2, SD 2 Shimabukuro

H.B. No. 1055, Keith-Agaran, Chair;
HD 2, SD 1 K. Kahele, Shimabukuro

H.B. No. 1170, Inouye, Chair; Gabbard/Keith-Agaran, Co-Chairs;
HD 2, SD 2 Slom

H.B. No. 1653, Keith-Agaran, Chair; Galuteria, Co-Chair;
HD 1, SD 1 K. Kahele

H.B. No. 1703, Taniguchi, Chair; Tokuda, Co-Chair;
HD 2, SD 1 Gabbard

H.B. No. 2231, Inouye, Chair; Baker/Riviere, Co-Chairs;
HD 1, SD 1 Slom

H.B. No. 2593, Inouye, Chair; Gabbard/Dela Cruz, Co-Chairs;
HD 1, SD 1 Slom

Sen. Com. No. 678, dated April 21, 2016, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 286, Keith-Agaran, Chair; English, Co-Chair;
SD 2, HD 1 Gabbard, Kim, Shimabukuro

S.B. No. 364, Keith-Agaran, Chair; Galuteria, Co-Chair;
SD 2, HD 1 K. Kahele

S.B. No. 475, Keith-Agaran, Chair;
SD 1, HD 2 Gabbard, K. Kahele

S.B. No. 1311, Kidani, Chair; Baker/English, Co-Chairs
SD 2, HD 1

S.B. No. 2103, Keith-Agaran, Chair; Wakai/Taniguchi, Co-Chairs;
SD 1, HD 1 Shimabukuro

Sen. Com. No. 679, dated April 21, 2016, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 401, Keith-Agaran, Chair; Inouye, Co-Chair;
HD 2, SD 1 K. Kahele

H.B. No. 1902, Keith-Agaran, Chair;
HD 2, SD 1 Gabbard, Shimabukuro

Sen. Com. No. 680, dated April 21, 2016, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 2108, Keith-Agaran, Chair;
HD 1 K. Kahele, Shimabukuro

S.B. No. 2439, Keith-Agaran, Chair;
SD 1, HD 1 K. Kahele, Shimabukuro

S.B. No. 2444, Keith-Agaran, Chair; Inouye, Co-Chair;
SD 2, HD 2 K. Kahele

INTRODUCTIONS

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

Representative Rhoads introduced his niece, Katherine McMillan and her boyfriend Paul McCurry, a former Marine; and his wife, Cindy McMillan.

Representative Johanson introduced Oahu Military Homeschoolers Connection, and chaperon, Maria Pena.

Representative Keohokalole introduced his staff: Torin Yee, volunteer; and Nahelani Webster, committee clerk.

Representative DeCoite introduced former Maui County Councilmember Dain Kane.

Representative Evans introduced House Chief Clerk's Office staff, Tiare Akana, winner of the 2016 Capitol Idol.

Representative LoPresti introduced his legislative aide, Randy Gonc.

Representative Ward introduced former Representative Jerry Chang.

ORDER OF THE DAY

ANNOUNCEMENTS

Speaker Souki: "The Chair would like to announce that we will stand in recess for the purpose of convening a joint session in this chamber at 12 noon. We will convene again on Monday, April 25 at 11:30 a.m. I ask the Members to stay around because the Senate will be coming in very shortly, so then we can start on time."

Representative Ward: "My office didn't win, but Rachel Lee did one of her better songs last night, and I just wanted to acknowledge her. I'm sure she's watching somewhere on the TV monitor. So Rachel, congratulations. Can we give her a round of applause?"

Representative Creagan: "Mr. Speaker, with your indulgence I would also like to introduce my staff who aren't up there but are watching diligently in my office. Shayne and Rebekah did a great job last night, and congratulations, could we give them a hand? Thank you."

RECESS

At 11:45 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 207, met in Joint

Session with the Senate for the purpose of appointing the Auditor, the Director of the Legislative Reference Bureau, and the Ombudsman.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Eighth Legislature of the State of Hawaii was called to order at 12:04 o'clock p.m. by the Honorable Joseph M. Souki, Speaker of the House of Representatives.

Representative Saiki moved that Brian Takeshita be appointed Clerk of the Joint Session, seconded by Senator English and carried, with Representatives Belatti, Choy, Ichiyama, McKelvey, Takumi and Woodson, and Senator Slom being excused.

Speaker Souki then announced that the purpose of the Joint Session was to appoint the Auditor for the State of Hawaii pursuant to Article VII, Section 10 of the Hawaii State Constitution; the Director of the Legislative Reference Bureau pursuant to Section 23G-1, Hawaii Revised Statutes; and the Ombudsman pursuant to Section 96-2, Hawaii Revised Statutes.

Representative Saiki nominated Leslie H. Kondo to the Office of Auditor of the State of Hawaii for a term of eight years commencing May 1, 2016.

Senator English moved that the nominations for the Office of Auditor of the State of Hawaii be closed, seconded by Representative Fukumoto Chang and carried, with Representatives Belatti, Choy, Ichiyama, McKelvey, Takumi and Woodson, and Senator Slom being excused.

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment of Leslie H. Kondo as Auditor for the State of Hawaii for a term of eight years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

The motion on behalf of the House of Representatives was put to vote by the Chair and carried by a vote of 44 ayes, with Representatives Belatti, Choy, Ichiyama, McKelvey, Ohno, Takumi and Woodson being excused.

President Ronald D. Kouchi then assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment of Leslie H. Kondo as Auditor for the State of Hawaii for a term of eight years commencing on May 1, 2016, seconded by Senator Green.

The motion on behalf of the Senate was put to vote by the Chair and carried by a vote of 24 ayes, with Senator Slom being excused.

With the votes having been so cast by the Members of the Twenty-Eighth Legislature of the State of Hawaii, Mr. Leslie H. Kondo was appointed and confirmed as the Auditor for the State of Hawaii.

President Kouchi then recognized Mr. Leslie H. Kondo.

At this time, Speaker Joseph M. Souki assumed the rostrum.

Representative Saiki nominated Charlotte Carter-Yamauchi to the Office of Director of the Legislative Reference Bureau of the State of Hawaii for a term of six years commencing May 1, 2016.

Senator English moved that the nominations for the Office of Director of the Legislative Reference Bureau of the State of Hawaii be closed, seconded by Representative Fukumoto Chang and carried, with Representative Woodson, and Senator Slom being excused.

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment of Charlotte Carter-Yamauchi as Director of the Legislative Reference Bureau for the State of Hawaii for a term of six years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

Representative Mizuno rose to speak in support of the nomination, stating:

"In strong support, Mr. Speaker. And on behalf of you, Mr. Speaker, I'd like to ask that your written comments in support be inserted in the Journal for Charlotte Yamauchi. Thank you, Mr. Speaker."

Representative Mizuno submitted the following remarks on behalf of Speaker Souki:

"Mr. Speaker, I rise in support of the nomination of Charlotte Carter-Yamauchi as director of the Legislative Reference Bureau. Too often in the hiring process we face candidates who are unproven for the position they are seeking. This morning we have a rare opportunity to secure the services of an individual who is not just 'qualified' to hold a position but has shown she can do the job in outstanding fashion.

"Charlotte Carter-Yamauchi has proven herself not only over the last six years as acting director of the Legislative Reference Bureau, but has dedicated her professional career to the bureau and its mission. She has been the acting director of the Legislative Reference Bureau since December 2010. She began her long career with the bureau as a research attorney in 1987, and was appointed as the assistant director for research in 2003 and the first assistant in 2008.

"Charlotte is a long-time, active participant in both the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) activities. She currently serves as chair of the Research and Committee Staff Section and on the Legislative Staff Coordinating Committee of NCSL.

"And if that's not enough to keep her busy, she also serves as present chair of the CSG West Legislative Service Agency/Research Directors, a member of CSG's Executive Committee, and a member of CSG's Shared State Legislation Committee. And if you can remember what all of those acronyms mean, you're a better person than me. But I can assure you, Charlotte does.

"Prior to coming to work for LRB, Charlotte was in private practice, served as a deputy prosecuting attorney for the City and County of Honolulu, and worked as a staff attorney for the National Center for State Courts in Williamsburg, Virginia. She received her J.D. from the College of William and Mary's Marshall-Wythe School of Law and is a member of the Virginia and Hawaii Bars.

"Finally, for those of you who know the children's book – if the LRB is Charlotte Carter-Yamauchi's web, then all of us 'Wilburs' are in no danger of being lost. The LRB will continue to be in good hands. Thank you."

The motion on behalf of the House of Representatives was put to vote by the Chair and carried by a vote of 50 ayes, with Representative Woodson being excused.

President Ronald D. Kouchi then assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment Charlotte Carter-Yamauchi as Director of the Legislative Reference Bureau for the State of Hawaii for a term of six years commencing on May 1, 2016, seconded by Senator Green.

The motion on behalf of the Senate was put to vote by the Chair and carried by a vote of 24 ayes, with Senator Slom being excused.

With the votes having been so cast by the Members of the Twenty-Eighth Legislature of the State of Hawaii, Ms. Charlotte Carter-Yamauchi

was appointed and confirmed as the Director of the Legislative Reference Bureau for the State of Hawaii.

President Kouchi then recognized Ms. Charlotte Carter-Yamauchi.

Senator English then introduced Ms. Carter-Yamauchi's husband, Mr. Robert Yamauchi, who was seated with her in the gallery; as well as the staff of the Legislative Reference Bureau.

At this time, Speaker Joseph M. Souki assumed the rostrum.

Representative Saiki nominated Robin K. Matsunaga to the Office of Ombudsman of the State of Hawaii for a term of six years commencing May 1, 2016.

Senator English moved that the nominations for the Office of Ombudsman of the State of Hawaii be closed, seconded by Representative Fukumoto Chang and carried, with Representative Woodson, and Senator Slom being excused.

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawaii for a term of six years commencing on May 1, 2016, seconded by Representative Fukumoto Chang.

Representative Mizuno rose to speak in support of the nomination, stating:

"Mr. Speaker, thank you very much. In strong support, Mr. Speaker. And on behalf of you, Mr. Speaker, I'd like to ask that your written comments in support be inserted in the Journal for Robin Matsunaga. Thank you."

Representative Mizuno submitted the following remarks on behalf of Speaker Souki:

"Mr. Speaker, I rise in support of the nomination of Robin K. Matsunaga as ombudsman for the State of Hawaii. Mr. Speaker, the Hawaii Ombudsman Office was established in 1967 to investigate citizen complaints about executive agencies of the state and local governments in Hawaii, and was the first of its kind to be established in the United States.

"The ombudsman serves as a neutral, independent intermediary between citizens and state agencies, conducting investigations in a fair and impartial manner. In addition to the resolution of individual complaints, it makes recommendations for changes to the law, administrative rules or operating procedures to make government work better.

"In other words, the ombudsman must be fair, independent, solution-driven and understanding of the role of government, as well as the rights of all citizens under our laws and constitution. Robin Matsunaga has shown that he is such an individual and has led the Office of the Ombudsman since 1998.

"Robin was appointed by unanimous vote of the Hawaii Legislature in 1998 to serve as ombudsman and was reappointed to a second six-year term by the 2008 Legislature.

"Robin has represented the Office of the Ombudsman, the Legislature, and the State of Hawaii at the national and international levels through his participation and leadership in the U.S. Ombudsman Association, the International Ombudsman Institute, and the American Bar Association. He is the current president of the USOA and has been a member of their Board of Directors since 1999, serving as Outreach and Membership Committee Chair.

"In 2004, together with the Alaska and Arizona ombudsmen, Robin developed curricula for the USOA's New Ombudsman Training workshop and has served as an instructor for those workshops. Robin was an institutional member of the International Ombudsman Institute from 1998

to 2014 and served as regional director for the IOI's North America Region from 2011 to 2012.

"Robin is currently a member of the American Bar Association Dispute Resolution Section Ombuds Committee and a member and senior advisor/liaison of the ABA Administrative Law and Regulatory Practice Section Ombuds Committee.

"Prior to his appointment as ombudsman, Robin served for six years as the chief of staff of the Hawaii House of Representatives during my tenure then as Speaker. He also served as the chief clerk of the House Finance Committee and as a program evaluation analyst for the state Department of Transportation.

"Mr. Speaker, clearly, we have an individual who is highly qualified, with the experience, character and temperament to lead this office, and I wholeheartedly support his appointment."

The motion on behalf of the House of Representatives was put to vote by the Chair and carried by a vote of 50 ayes, with Representative Woodson being excused.

President Ronald D. Kouchi then assumed the rostrum.

Senator English moved that the Senate of the Twenty-Eighth Legislature of the State of Hawaii confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawaii for a term of six years commencing on May 1, 2016, seconded by Senator Green.

The motion on behalf of the Senate was put to vote by the Chair and carried by a vote of 24 ayes, with Senator Slom being excused.

With the votes having been so cast by the Members of the Twenty-Eighth Legislature of the State of Hawaii, Mr. Robin K. Matsunaga was appointed and confirmed as the Ombudsman for the State of Hawaii.

President Kouchi then recognized Mr. Robin K. Matsunaga.

Senator English then introduced Mr. Matsunaga's wife, Mrs. Tammy Matsunaga, who was seated with him in the gallery; as well as the staff of the Office of the Ombudsman.

At this time, President Kouchi requested the Senate and House Sergeants-at-Arms to escort Mr. Kondo, Ms. Carter-Yamauchi and Mr. Matsunaga and their families to the floor so that Members could offer their personal congratulations.

At 12:17 o'clock p.m., President Kouchi declared the Joint Session of the House of Representatives and the Senate of the Twenty-Eighth Legislature adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, April 25, 2016.