

FIFTY-SIXTH DAY

Wednesday, April 27, 2016

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 11:37 o'clock a.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Pastor Jocelyn McMahon of New Life Church Honolulu, after which the Roll was called showing all Members present with the exception of Representative Oshiro, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1113 through 1125) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1113, informing the House that on April 25, 2016, the following bill was signed into law:

S.B. No. 2775, entitled: "A BILL FOR AN ACT RELATING TO THE AFFORDABLE CARE ACT SECTION 1332 STATE INNOVATION WAIVER." (ACT 013)

Gov. Msg. No. 1114, informing the House that on April 25, 2016, the following bill was signed into law:

S.B. No. 2341, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESPIRATORY THERAPISTS." (ACT 014)

Gov. Msg. No. 1115, informing the House that on April 25, 2016, the following bill was signed into law:

S.B. No. 2934, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 015)

Gov. Msg. No. 1116, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2312, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE." (ACT 016)

Gov. Msg. No. 1117, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2246, entitled: "A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS." (ACT 017)

Gov. Msg. No. 1118, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2862, entitled: "A BILL FOR AN ACT RELATING TO NURSING." (ACT 018)

Gov. Msg. No. 1119, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2813, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP." (ACT 019)

Gov. Msg. No. 1120, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2885, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS." (ACT 020)

Gov. Msg. No. 1121, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2874, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED NURSE AIDES." (ACT 021)

Gov. Msg. No. 1122, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2873, entitled: "A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION." (ACT 022)

Gov. Msg. No. 1123, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2511, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS." (ACT 023)

Gov. Msg. No. 1124, informing the House that on April 26, 2016, the following bill was signed into law:

S.B. No. 2256, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING." (ACT 024)

Gov. Msg. No. 1125, informing the House that on April 26, 2016, the following bill was signed into law:

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." (ACT 025)

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 705) was received and announced by the Clerk:

Sen. Com. No. 705, dated April 26, 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 and House Bills:

S.B. No. 979, Chun Oakland, Chair; Riviere, Co-Chair;
SD 2, HD 1 Ruderman

S.B. No. 2647, Gabbard, Chair; Keith-Agaran, Co-Chair;
SD 1, HD 2 Galuteria

H.B. No. 1527, Tokuda, Chair;
HD 1, SD 1 English, Wakai

At 11:42 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:06 o'clock p.m.

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 a certain House Bill for Final Reading and a certain Senate Bill for Third Reading by consent calendar.

UNFINISHED BUSINESS**Conf. Com. Rep. No. 1-16 and H.B. No. 2362, HD 2, SD 1, CD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2362, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," passed Final Reading by a vote of 51 ayes.

At 12:08 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2362, HD 2, SD 1, CD 1

REPORTS OF STANDING COMMITTEES

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1769-16) recommending that S.B. No. 2807, SD 2 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. 2807, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE TECHNOLOGY SERVICES," passed Third Reading by a vote of 51 ayes.

At 12:08 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2807, SD 2

REPORTS OF CONFERENCE COMMITTEES

Representatives Belatti and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2540, HD 1, presented a report (Conf. Com. Rep. No. 8-16) recommending that S.B. No. 2540, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-16 and S.B. No. 2540, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," was deferred for a period of 48 hours.

Representatives Belatti, McKelvey and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2861, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 9-16) recommending that S.B. No. 2861, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-16 and S.B. No. 2861, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE," was deferred for a period of 48 hours.

Representatives Morikawa and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1585, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 10-16) recommending that H.B. No. 1585, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-16 and H.B. No. 1585, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," was deferred for a period of 48 hours.

Representatives Belatti, Rhoads and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2886, SD 2, HD 2, presented a report

(Conf. Com. Rep. No. 11-16) recommending that S.B. No. 2886, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-16 and S.B. No. 2886, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Saiki, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill.

RECONSIDERATION OF ACTION TAKEN

Representative Saiki moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans and carried:

H.B. No. 2204, HD 1, (SD 1)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative Saiki moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans and carried:

H.C.R. No. 22, HD 1, (SD 1)
 H.C.R. No. 32, HD 1, (SD 1)
 H.C.R. No. 58, (SD 1)
 H.C.R. No. 66, HD 1, (SD 1)
 H.C.R. No. 80, HD 1, (SD 1)
 H.C.R. No. 85, HD 2, (SD 1)
 H.C.R. No. 88, (SD 2)
 H.C.R. No. 123, HD 1, (SD 1)
 H.C.R. No. 137, (SD 2)
 H.C.R. No. 157, (SD 1)
 H.C.R. No. 162, (SD 1)
 H.C.R. No. 180, (SD 1)
 H.C.R. No. 188, HD 1, (SD 1)

H.C.R. No. 22, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, 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," was Adopted.

H.C.R. No. 32, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, 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," was Adopted.

H.C.R. No. 58, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.C.R. No. 58, SD 1, entitled: "HOUSE CONCURRENT

RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS FRONTING THE PROPERTY IDENTIFIED AS TAX MAP KEY: (2) 4-8-003: SEAWARD OF 006, OLOWALU, LAHAINA, MAUI, HAWAII, FOR THE CONSTRUCTION OF A BOULDER FILL REVETMENT TO PROTECT HONOAPIILANI HIGHWAY FROM DAMAGE DUE TO SHORELINE EROSION," was Adopted.

H.C.R. No. 66, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, 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," was Adopted.

H.C.R. No. 80, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, 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," was Adopted.

H.C.R. No. 85, HD 2, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.C.R. No. 85, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM," was Adopted.

H.C.R. No. 88, SD 2:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.C.R. No. 88, SD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE HONOLULU INTERNATIONAL AIRPORT AS THE DANIEL K. INOUE INTERNATIONAL AIRPORT," was Adopted.

H.C.R. No. 123, HD 1, SD 1:

Representative Saiki moved that H.C.R. No. 123, HD 1, SD 1 be Adopted, seconded by Representative Evans.

At 12:14 o'clock p.m., Representative Say requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

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

"In strong support with written comments."

Representative Say's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HCR 123, HD 1, SD 1 supporting Hawaii's relationship with Taiwan for the past 23 years. Both Taiwan and Hawaii have fostered positive results in business, politics, education, culture, and family ties. This resolution commends and congratulates both governments in this sister-state relationship and I am proud to say that I have visited Taiwan over eight times. Best wishes to both governments. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 123, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING TAIWAN'S PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK

CONVENTION ON CLIMATE CHANGE, INTERNATIONAL CIVIL AVIATION ORGANIZATION, WORLD HEALTH ORGANIZATION, AND INTERNATIONAL CRIMINAL POLICE ORGANIZATION AND SUPPORTING THE STATE OF HAWAII'S TWENTY-THIRD ANNIVERSARY OF SISTER-STATE RELATIONS WITH TAIWAN," was Adopted.

H.C.R. No. 137, SD 2:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.C.R. No. 137, SD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO REVIEW AFTER-SCHOOL PROGRAMS IN HAWAII'S PUBLIC MIDDLE AND INTERMEDIATE SCHOOLS," was Adopted.

H.C.R. No. 157, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, 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," was Adopted.

H.C.R. No. 162, SD 1:

Representative Saiki moved that H.C.R. No. 162, SD 1 be Adopted, seconded by Representative Evans.

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

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I rise in support of this resolution that helps to preserve and ensure a very special resource that we have at Waipio Valley in my district on the Big Island. This resolution requests that the Waipio Valley Alliance assume the responsibility for inviting taro farmers, residents, property owners, Kamehameha Schools, Bishop Museum, and other stakeholders to discuss the future stewardship, as well as environmental and cultural uniqueness, of Waipio Valley for future generations.

"For three decades, the State has recognized this important cultural resource and attempted to take steps to ensure its preservation with marginal success. The recent announcement by Bishop Museum expressing the need to divest itself of their Big Island landholdings, including much of Waipio Valley, has renewed this discussion and urgency for action, sooner, rather than later.

"With this resolution, the Legislature has placed the future of Waipio into the hands of those closest to the situation – the residents and families of the valley who have invested generations of nurturing and care to make Waipio Valley the very special place that it is today. With this resolution, we are asking that the stakeholders in Waipio Valley provide the Legislature with a plan for implementation that would ensure the future stewardship of this very special resource while balancing this desire with the dynamic community that shares the valley and its resources today.

"It is my hope that this plan will once and for all settle the future preservation of the cultural and environmental significance of this natural resource while ensuring that the management will be able to change and adapt to address the needs and interests of the valley's stakeholders.

"Aloha."

The motion was put to vote by the Chair and carried, and H.C.R. No. 162, SD 1, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING COLLABORATIVE EFFORTS FOR STEWARDSHIP AND PRESERVATION OF WAIPI'O VALLEY," was Adopted.

H.C.R. No. 180, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.C.R. No. 180, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO FURTHER DEVELOP AND IMPLEMENT A PLAN TO ADDRESS OVERCROWDING IN PUBLIC SCHOOLS IN KAPOLEI, EWA, WAIPAHU, MILILANI, AND PEARL CITY," was Adopted.

H.C.R. No. 188, HD 1, SD 1:

Representative Saiki moved that H.C.R. No. 188, HD 1, SD 1 be Adopted, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and H.C.R. No. 188, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONVENING OF A PUBLIC LAND TRUST REVENUES NEGOTIATING COMMITTEE," was Adopted, with Representative Jordan voting aye with reservations.

H.C.R. No. 88, SD 2
H.C.R. No. 123, HD 1, SD 1
H.C.R. No. 137, SD 2
H.C.R. No. 157, SD 1
H.C.R. No. 162, SD 1
H.C.R. No. 180, SD 1
H.C.R. No. 188, HD 1, SD 1

ADJOURNMENT

At 12:17 o'clock p.m., on motion by Representative Evans, seconded by Representative Pouha and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 28, 2016.

HOUSE COMMUNICATIONS

House Communication dated April 27, 2016, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 979, Discharged Representative Thielen.
SD 2, HD 1

House Communication dated April 27, 2016, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2016, and gives its notice of intent to agree to the following House Bill:

H.B. No. 2204, HD 1, SD 1

House Communication dated April 27, 2016, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 2362, HD 2, SD 1, CD 1

House Communication dated April 27, 2016, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 22, HD 1, SD 1
H.C.R. No. 32, HD 1, SD 1
H.C.R. No. 58, SD 1
H.C.R. No. 66, HD 1, SD 1
H.C.R. No. 80, HD 1, SD 1
H.C.R. No. 85, HD 2, SD 1