

SIXTEENTH DAY

Monday, February 13, 2017

The House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017, convened at 12:05 o'clock p.m., with Vice Speaker Mizuno presiding.

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

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 3) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 3, dated January 20, 2017, transmitting the Hawaii Employer-Union Health Benefits Trust Fund's Annual Report for fiscal year ending June 30, 2016, pursuant to Section 87A-25, HRS.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 4) was received and announced by the Clerk:

Sen. Com. No. 4, transmitting S.B. No. 882, entitled: "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH IN HAWAII," which passed Third Reading in the Senate on February 10, 2017.

On motion by Representative Evans, seconded by Representative Ward and carried, the following Senate Bill passed First Reading by title and further action was deferred:

S.B. No. 882

INTRODUCTIONS

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

Representative Ito introduced 10th grade students from Trinity Christian School: Kaila Baker, Charles Conley, Elise Gerstenberger, Adam Hu, Mya Hunter, Karley Kimitsuka, Grace Klein, Noah Leong, Chris Macalintal, Jesse Makuakane, Kathrine Norman, Shane Petosa-Siegel, Van Sterenberg, Tanner Tamaye, Nathan Tullberg and Logan Yamamoto; and their teacher, Mr. Mark Brians.

Representative Takumi introduced participants in the State Secondary Student Conference:

Aiea High School: Aiyana Bartolome, Briana Hafer, Kenzie Hoang, Andrea Leomo and Carly Nebrija, students; Neal Nakamitsu, SAC.

Campbell High School: Keona Blanks, Xyrene Faavi, Brandon Pagarigan, Kaneala Peters-Clark and Laila Valdez, students; Elizabeth Holmes and Ryan Mandado, teachers.

Farrington High School: Alexandra Abinosa, student.

Kailua High School: Drew Davids, student.

Kaimuki High School: Rojelle Bohol, Luther Dehara, Sierra Hisatake, Keolani Johnson, Lucy Liu, Taiana Loketi, Mele Loo-Godinet, Ciena Lucas, Mana Manukeu, Gum Nau, JP Pelep, Tia Shed, Angeline Stone and David Walter, students; Holly Honbo, SAC.

Kaiser High School: Kevin Chong, student.

Kalaheo High School: Tanayah Bush, Kaiiao Cobeen, Kiev Cochran, Zoe Cox, Matthew Darrah, Tyron Francis, Hannah Francis, Re'Anna Johnson, Austin Maglinti and Tia Vernon, students; Richard Lau, SAC.

Kalani High School: Koby Yoshimi, student.

Leilehua High School: Tahina Alailima, Beatrice Chan, Jansen Dangaran, Jason Hook, Joshua Ibarra, Kriselle Orpiano, Nolan Tumacder, Lizchel Ugalde and Joyce Usigan, students; Darcy Yukumoto, SAC.

Mililani High School: Nolan Acosta, Travis Afuso, Jessica Delos Reyes, Haley Evile, Kaylee Johnson, Hoyong Lee, Ariana Miyamoto, Savannah Mollohan, Airi Morita and Meghan Usam, students; Caitlin Alvior and Lorelei Miyamura, staff; Leilani Ward, SAC; Danielle Castro, Co-Chair.

Moanalua High School: Victoria Kaahaaina and Serena Rice, students; Sherwin Pang, SAC.

Nanakuli High School: Rosalie Hobbs, student.

Pearl City High School: Michael Taylor, student.

Radford High School: Janine Abad, Journey Amani Va'a, Brandon Bagoyo, Ashley Butay, Zowey Cahola, Daniela Clark-Murrieta, Anna Dao, Rejina Lynne Grayce Fernandez, Andrew Fiala, Mahea Hetrick, Eryn Lum, Abigail Medrano, Logan Mills, Angelica Montenilla, Nevaeh Nacion, Pauline Ongcangco, Kden Pacrem, Ashley Perez, Lexi Rivera, Alyssa Sunday, Nicole Torres, Ian Toves, Chelsea Tuupo and Sean Villanueva, students; John Goto, SAC.

Waiialua High School: Case McKinley, student; Lorri Sonan, SAC.

Waipahu High School: Marc Acosta, Neil Castaneda, Melissa Dela Cruz, Edna Felix, Janisse Ibane, Andrea Lyn Mateo and Jeminae Solumua, students.

Hilo High School: Lucy Ramirez, Jessica Valdez and Kara Yoshiyama, students; Charlene Masuhara, SAC.

Honokaa High School: Zhanelyn Cacho, Romel Gaspar and Kieran Lo, students; Angella Brandt, SAC.

Keauu High School: Albert Zuniga, student.

Kealakehe High School: Maya Gee, Juliana Hennig and Olivia Loney, students; Jim Young, SAC.

Konawaena High School: Ronald Crivello-Kahihikolo, Thomas Edwards and Trinity Klawansky, students.

Pahoa High School: Luis Guerrero-Garcia, Poerava Lucas-Waters and Hataeaya Orivello, students; Jay Bumanglag, SAC.

Waiakea High School: Kylie Tanouye, student.

Kauai High School: Ethan Gray, Brooke Kanna, Mari Kanna, Jaykob Naka'ahiki Young and Leanna Thesken, students; Divina Plowman, SAC.

Baldwin High School: Lily Katz, Reece Kikichi, Nicole Matsui, Isabella Strand, Mikayla Tsutsui and Layce Yamauchi, students; Donna Vierra, SAC.

Hana High School: Kamana'opono Bednorz, student; Angela Chronis, teacher.

Maui High School: Camryn Ban, Kylie Amber Buere, Yvonne Kate Fulgencio, Cassidy Matsuda, May Molina and Christine Joy Ventura, students; Glenda Joyo, SAC.

OCISS: Tiffany Frias, Advisor.

Representative LoPresti also recognized the Campbell High School students and their teacher; and his former student, Mark Brians.

Representative Tupola introduced Rosalie Hobbs, Nanakuli High School Student Body President.

Representative Tokioka, on behalf of Representatives Morikawa, Nakamura and himself, also recognized the Kauai High School students and their teacher.

Representative Lowen also recognized the Kealakehe High School students and their teacher.

Representative Ing introduced Kaiser High School teachers Davin Kamaka Camarillo and Brent Zakahi.

Representative DeCoite also recognized Kamana'opono Bednorz from Hana.

At 12:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 1169, 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 H.B. No. 1169, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Ruling on a potential conflict. I'm a professor," and the Chair ruled, "no conflict."

Representative LoPresti continued, stating:

"Thank you. May that stand for the entirety of the session?" 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 H.B. No. 1169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 571, as amended in HD 1, 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 H.B. No. 571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 426, 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 H.B. No. 426, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RULEMAKING," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Lee and Creagan, for the Committee on Energy & Environmental Protection and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 1247, as amended in HD 1, 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 Committees was adopted and H.B. No. 1247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RAPID OHIA DEATH," passed Second Reading and was referred to the Committee on Finance.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 1283, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1283, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kong voting no.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 128, as amended in HD 1, 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 H.B. No. 128, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 850, as amended in HD 1, 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 H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 1079, 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 H.B. No. 1079, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION AUTHORIZATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 428, as amended in HD 1, 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 H.B. No. 428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 373, as amended in HD 1, 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 H.B. No. 373, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 849, as amended in HD 1, 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 H.B. No. 849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 28, as amended in HD 1, 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 H.B. No. 28, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL BENEFITS," passed Second Reading and was referred to the Committee on Finance.

Representative Woodson, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 1278, 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 H.B. No. 1278, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to cast a with reservations vote on this. And, Mr. Speaker, I know we all want to keep tuition down, not have it be increased, but this freezes it for 10 years, and I think that there could be some things that occur that might need to require the tuition to be modestly raised during that 10-year period. So I think that's just a little bit risky to do. We can't foresee that far in the future, economically, and it might be better to say, let's give it a four-year shot and then re-look at it. Thank you."

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

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

"Mr. Speaker, in support. I think our students are getting hammered by student loans and increasing tuitions. I think this is a great measure. If something should come up during the 10-year period, I think the Legislature should fund it. Thank you."

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

"Also in support, Mr. Speaker, and would like the words of the speaker from Manoa entered in the record as if they were my own. And, actually, UH could probably fund it themselves, considering the millions they have. Thank you," and the Chair "so ordered." (By reference only.)

Representative LoPresti 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 H.B. No. 1278, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives LoPresti, Matsumoto and Thielen voting aye with reservations.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar.

THIRD READING

H.B. No. 73, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 73, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIAL PROCEEDINGS," passed Third Reading by a vote of 51 ayes.

H.B. No. 74, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 74, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF ATTORNEYS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

H.B. No. 300, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 300, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," passed Third Reading by a vote of 51 ayes.

H.B. No. 301, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 301, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESPONSE TO WRIT FOR CERTIORARI," passed Third Reading by a vote of 51 ayes.

H.B. No. 459, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative McDermott voting no.

H.B. No. 717, HD 1:

Representative Saiki moved that H.B. No. 717, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against the bill. I'm hoping to encourage some of the other members to take a look at what this bill does.

"We passed a law a while ago that allowed undocumented residents to be able to get driver's licenses. That made a lot of sense. So we have undocumented residents that now have driver's licenses that can drive with those licenses, to be able to produce them if they need to show that they are allowed to drive.

"Now we have a bill before us, House Bill 717, that says notaries public no longer can accept these limited purpose driver's licenses for identification purposes. Well you might think in here, well, what's the big deal, who needs to have a signature notarized? Well, let me tell you who does. The homeless disability checks need to be notarized. If someone goes in to get a small loan, their signature needs to be notarized.

"This bill takes a harsh approach to undocumented residents, and it follows what is being done by the Trump Administration who is going after, quite harshly, undocumented residents in the nation.

"This becomes a Trumpism bill, Mr. Speaker. I never thought I would see it come out of your side of the aisle. And it just doesn't make sense for us to go ahead and do that, to say to someone that is undocumented, but they're here, they're a resident, you no longer are going to have access to a disability check, because you can't have your signature notarized. If you need to go get a small loan, the notary won't be able to notarize your signature because of this bill that we're passing today.

"I was really disappointed to see this come back out because, to my mind, it just plays into what is going on in Washington, D.C. And I know it goes over to the Senate, and I would hope maybe that body would take a look and not want to be part of that approach to people that are within our country. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

H.B. No. 796, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ASSAULT OF A UTILITY WORKER," passed Third Reading by a vote of 51 ayes.

At 12:41 o'clock p.m., the Chair noted that the following bills passed Third Reading:

- H.B. No. 73, HD 1
- H.B. No. 74, HD 1
- H.B. No. 300, HD 1
- H.B. No. 301, HD 1
- H.B. No. 459, HD 1
- H.B. No. 717, HD 1
- H.B. No. 796, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 20 and 21) and concurrent resolutions (H.C.R. Nos. 44 through 46) were referred to Printing and further action was deferred:

H.R. No. 20, entitled: "HOUSE RESOLUTION URGING SCHOOL ADMINISTRATORS, TEACHERS, PARENTS, AND STUDENTS TO BE EDUCATED ABOUT THE POTENTIAL HEALTH IMPACT OF HEAVY BACKPACKS AND TO TAKE PROACTIVE MEASURES TO AVOID INJURY," was jointly offered by Representatives Takumi, Har, Ohno, Creagan, Hashem, Matsumoto, Onishi and Woodson.

H.R. No. 21, entitled: "HOUSE RESOLUTION URGING THE ADMINISTRATION OF THE UNIVERSITY OF HAWAII AT MANOA TO ADOPT AN EQUITABLE AND FORMULA-BASED BUDGETING MODEL THAT MORE ACCURATELY REFLECTS THE NUMBER OF STUDENT SEMESTER HOURS TAUGHT AND MORE SATISFACTORILY MEETS THE NEEDS OF FACULTY," was jointly offered by Representatives Takumi, Ohno, Creagan, Har, Hashem, Matsumoto, Onishi and Woodson.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION URGING SCHOOL ADMINISTRATORS, TEACHERS, PARENTS, AND STUDENTS TO BE EDUCATED ABOUT THE POTENTIAL HEALTH IMPACT OF HEAVY BACKPACKS AND TO TAKE PROACTIVE MEASURES TO AVOID INJURY," was jointly offered by Representatives Takumi, Har, Ohno, Creagan, Hashem, Matsumoto, Onishi and Woodson.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADMINISTRATION OF THE UNIVERSITY OF HAWAII AT MANOA TO ADOPT AN EQUITABLE AND FORMULA-BASED BUDGETING MODEL THAT MORE ACCURATELY REFLECTS THE NUMBER OF STUDENT SEMESTER HOURS TAUGHT AND MORE SATISFACTORILY MEETS THE NEEDS OF FACULTY," was jointly offered by Representatives Takumi, Ohno, Creagan, Har, Hashem, Matsumoto, Onishi and Woodson.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO ASSESS THE IMPACT OF USING MEDICAID FUNDS TO PROVIDE COVERAGE FOR THE TREATMENT FOR HOMELESSNESS," was offered by Representative Mizuno.

ANNOUNCEMENTS

Representative Morikawa, for the Committee on Human Services, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Wednesday, February 15, 2017, at 10:31 a.m. in Conference Room 329, and the Chair "so ordered."

H.B. No. 1396, proposed HD 1, Relating to Community Care Foster Family Homes.

LATE INTRODUCTIONS

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

Representative Woodson introduced students from Maui High School and their teacher Ms. Goya; and students and chaperones from Baldwin High School.

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2	Committee on Agriculture, then to the Committee on Judiciary
192	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
790	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1282	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Water & Land, then to the Committee on Judiciary

ADJOURNMENT

At 12:43 o'clock p.m., on motion by Representative Evans, seconded by Representative Ward and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 14, 2017.