

## FORTY-SECOND DAY

Monday, April 3, 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 Speaker Joseph M. Souki, after which the Roll was called showing all Members present with the exception of Representative McKelvey, who was excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 396 through 400) were received and announced by the Clerk:

Sen. Com. No. 396, transmitting S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE HISTORIC SUCCESS OF COMMUNITY STEWARDSHIP UNDER THE TRADITIONAL KONOHIKI FISHING RIGHTS SYSTEM IN SUSTAINING AN ABUNDANT NEARSHORE ENVIRONMENT AND A THRIVING POPULATION AND CULTURE, AND URGING THE STATE TO SUPPORT THE DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF CULTURALLY-GROUNDED, COMMUNITY-DRIVEN FISHERIES MANAGEMENT PROPOSALS TO STEWARD, RESTORE, AND PERPETUATE OUR NEARSHORE RESOURCES AND MAINTAIN AND PROTECT ASSOCIATED CULTURAL TRADITIONS AND VALUES," which was adopted by the Senate on March 31, 2017.

Sen. Com. No. 397, transmitting S.C.R. No. 9, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CARRY ON ITS WORK TO BETTER ENGAGE COMMUNITY GROUPS IN THE EDUCATION OF CHILDREN AND YOUTH IN HAWAII'S PUBLIC SCHOOLS," which was adopted by the Senate on March 31, 2017.

Sen. Com. No. 398, transmitting S.C.R. No. 32, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE NEED FOR POSSIBLE REGULATION AND OVERSIGHT OF AMERICAN SIGN LANGUAGE INTERPRETERS AND AMERICAN SIGN LANGUAGE INTERPRETER REFERRAL AGENCIES IN HAWAII," which was adopted by the Senate on March 31, 2017.

Sen. Com. No. 399, transmitting S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING APRIL 15 THROUGH APRIL 22, 2018, AS VOLUNTEER WEEK IN THE STATE OF HAWAII," which was adopted by the Senate on March 31, 2017.

Sen. Com. No. 400, transmitting S.C.R. No. 162, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COORDINATE WITH HIGH SCHOOL ASSOCIATIONS AND HIGHER EDUCATION INSTITUTIONS IN HAWAII AND TO PARTNER WITH DEBATE ORGANIZATIONS IN ORGANIZING EVENTS FOR STUDENTS TO DEBATE ON CURRENT ISSUES AFFECTING HAWAII AND THE NATION," which was adopted by the Senate on March 31, 2017.

## INTRODUCTIONS

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

Representative Cullen introduced his staff, Kacie Manabe, and her mother, Mrs. Lauren Manabe.

Representative Ward introduced his constituent, Mr. Reginald Baker.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 157) was announced by the Clerk and the following action taken:

H.R. No. 157, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE U.S. SMALL BUSINESS ADMINISTRATION 2017 STATE OF HAWAII HONOREES," was jointly offered by Representatives Nakashima, Holt, Keohokalole, Morikawa and Yamashita.

Representative Nakashima moved that H.R. No. 157 be adopted, seconded by Representative Keohokalole.

Representative Nakashima honored the professional achievements of the Small Business Association State of Hawaii awardees, and introduced honorees who were seated on the Floor of the House:

Mr. Garrett Marrero, President/CEO, Maui Brewing Company, and Ms. Melanie Oxley, Vice President/COO, Maui Brewing Company, 2017 SBA Small Business Persons of the Year;

Ms. Laura Cristobal Andersland, Owner, Salty Wahine Gourmet Hawaiian Sea Salts, 2017 SBA Small Business Exporter of the Year. She was accompanied by her husband, Mr. David Andersland, who was seated in the gallery;

Ms. Christine Camp, President/COO, Avalon Development Company, LLC, 2017 SBA Small Business Advocate for Business and Industry;

Mr. Edmund Olson, Owner, Edmund C. Olson Trust II, 2017 Makana Ho'okō no Ke Ola SBA Special Award for Lifetime Legacy, who was unable to attend; and

Ms. Jane Sawyer, Director, SBA Hawaii Office.

Representative Keohokalole congratulated and recognized guests who were seated in the gallery:

Mr. Patrick Gesik, Gesik Physical Therapy, LLC, 2017 SBA Young Entrepreneur of the Year;

Mr. Terry Mullen, John Mullen and Co., Inc., 2017 SBA Family Owned Small Business of the Year, who was represented by Ms. Sara Mullen;

Ms. Maria Etrata, Preferred Home and Community Based Services Inc., 2017 SBA Small Business Advocate for Minorities, who was represented by Ms. Nedy Pia Directo;

Mr. Reginald Baker, 2017 SBA Small Business Advocate for Financial Services; and

Ms. Sherry Bracken, News Correspondent, Mahalo Broadcasting and Hawaii Public Radio, 2017 SBA Small Business Advocate for Journalism and Media, who was unable to attend.

Representative Ward, as a former small business person, congratulated the job makers and encouraged them to keep up the good work, and congratulated Christine Camp.

Representative Tokioka recognized Ms. Julie Kim of First Hawaiian Bank, who was seated in the gallery, and thanked her for her support of small businesses.

Representative Tupola congratulated the honorees for all their hard work, and acknowledged Reginald Baker for bringing visibility to small businesses.

Representative Ing honored Garrett Marrero and Melanie Oxley, and congratulated the honorees.

Representative San Buenaventura recognized Ed Olson for his contributions to the community.

Representative DeCoite, as a business owner, congratulated the honorees and recognized them for their contributions to the economy.

The motion was put to vote by the Chair and carried, and H.R. No. 157 was adopted, with Representatives Choy, Har, McKelvey and Saiki being excused.

The following resolution (H.R. No. 158) was announced by the Clerk and the following action taken:

H.R. No. 158, entitled: "HOUSE RESOLUTION RECOGNIZING, COMMENDING, AND EXPRESSING A HEARTFELT MAHALO TO BRIAN MCCAFFERTY FOR HIS SERVICE AND DEDICATION TO THE PEOPLE OF MAUI COUNTY AND THE STATE OF HAWAII," was jointly offered by Representatives DeCoite, Souki and Yamashita.

Representative DeCoite moved that H.R. No. 158 be adopted, seconded by Representative Yamashita.

Representative DeCoite recognized the entrepreneurial spirit of Mr. Brian McCafferty, commended him on his many business ventures, lauded his work advocating for the preservation of traditional shoreline access trails and his work with the youth in the community, thanked him for his service and dedication to the State of Hawaii, and introduced honorees who were seated on the Floor of the House:

Mr. Brian McCafferty, Founder and Executive Director, Teens on Call; and  
Mr. Abezon Acosta, Program Assistant, Teens on Call.

The motion was put to vote by the Chair and carried, and H.R. No. 158 was adopted, with Representatives Choy, Har, McKelvey and Saiki being excused.

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Choy, Har, McKelvey and Oshiro were excused.)

### UNFINISHED BUSINESS

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1554) recommending that S.B. No. 1264, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1264, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"With strong reservations, because of the amendment. Just really short comments. Security guards are generally a very low-paying job. And I understand why we would want them to jump through hoops to ensure that they are qualified in their positions.

"However, there are huge delays right now in approving security guards for their positions, especially when there are special events. We not only compromise the safety of the special events because there won't be enough security guards, but we also prevent people who need these jobs from going to work. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1264, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITY GUARDS," passed Third Reading by a vote of 47 ayes, with Representative San Buenaventura voting aye with reservations, and with Representatives Choy, Har, McKelvey and Oshiro being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1555) recommending that S.B. No. 611, SD 1, HD 1, as amended in HD 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. 611, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE SPRINKLERS," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Ward voting no, and with Representatives Choy, Har, McKelvey and Oshiro being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1556) recommending that S.B. No. 514, SD 1, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 514, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I'll be voting no on this, Senate Bill 514, SD 1, HD 1. And the reason for that is, we are playing with people's lives. The rationale that big drug companies like CVS, Longs Drugs, whatever, but there are a lot of small drug stores all over the place in the State of Hawaii, and if we are going to allow this to happen, and they cannot more or less treat patients which will more or less react to the drugs, then what happens? And that's why I have a lot of concerns about this, and hopefully they can fix it to address those concerns. Thank you."

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

"Mr. Speaker, with reservations. Mr. Speaker, my concern is that are these clinics, the three-minute clinics or the CVS pharmacy, morphing into basically treatment centers?

"You can get treatment, and now if you can get treatment in the CVS/Longs three-minute clinics, you've got to be able to get the drugs. So I'm wondering if one is leading the other, it's back and forth, but it looks as though it's moving in that direction.

"And my concern is, we're not sure where that goes, and one of the members of the Health Committee said they don't know any of the downsides on some of the things that they have in this bill that have been prescribed. Are there any bad influence or effects if it's administered incorrectly? And those are the reasons for my reservation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 514, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 43 ayes to 4 noes, with Representative Ward voting aye with reservations, with Representatives Cachola, Kong, McDermott and Tupola voting no, and with Representatives Choy, Har, McKelvey and Oshiro being excused.

At 1:04 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1264, SD 1, HD 2  
S.B. No. 611, SD 1, HD 2  
S.B. No. 514, SD 1, HD 1

#### REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1557) recommending that S.B. No. 984, HD 1 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. 984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PHYSICIAN," passed Third Reading by a vote of 46 ayes, with Representatives Choy, Har, McKelvey, Oshiro and Say being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1558) recommending that S.B. No. 376, SD 1, HD 1 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. 376, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERISLAND TRANSMISSION SYSTEM," passed Third Reading by a vote of 46 ayes, with Representatives Choy, Har, McKelvey, Oshiro and Say being excused.

At 1:05 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 984, HD 1  
S.B. No. 376, SD 1, HD 1

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1559) recommending that S.B. No. 865, SD 1, as amended in HD 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. 865, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Choy, Har, McKelvey, Oshiro and Say being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1560) recommending that S.B. No. 627, SD 1, as amended in HD 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. 627, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Choy, Har, McKelvey, Oshiro and Say being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1561) recommending that S.B. No. 505, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1561 on S.B. No. 505, SD 1, 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. 505, SD 1, HD 2, were made available to the Members of the House.

#### THIRD READING

##### S.B. No. 119, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 119, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF RENT," passed Third Reading by a vote of 46 ayes, with Representatives Choy, Har, McKelvey, Oshiro and Say being excused.

At 1:07 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 119, SD 1, HD 1

#### ANNOUNCEMENTS

Representative Brower: "Thank you, Mr. Speaker. Today is the birthday of one our colleagues. Members, in the Judiciary Committee we have a gifted leader who has a big heart and is passionate about the issues. I'm speaking about, of course, the Judiciary Vice Chair. And sitting next to the Vice Chair is the gentleman whose birthday we recognize today. A legislator who consistently proves to us that it's determination, not talent and good looks, that wins elections.

"I believe time will show him as the greatest one-session interim Judiciary Chair in the history of the Legislature. He inspires me, and I'm journaling about the legislation that's gone through his committee. Today's journal entry is entitled, The Hookipa Kid and the North Dakota Access Pipeline. This gentleman is for the ladies. Let's recognize Representative Nishimoto."

#### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

##### S.C.R.

##### Nos.

##### Referred to:

7	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
9, SD1	Committee on Education
32, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
77, SD1	Committee on Agriculture, then to the Committee on Finance
78, SD1	Committee on Finance
162	Jointly to the Committee on Education and the Committee on Higher Education

#### ADJOURNMENT

At 1:08 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, April 4, 2017. (Representatives Choy, Har, McKelvey, Oshiro and Say were excused.)