

FIFTY-FIFTH DAY

Tuesday, April 25, 2017

The House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017, convened at 11:36 o'clock a.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Ms. Desiree Leinaala Souki of the House Sergeant-at-Arms Office, after which the Roll was called showing all Members present with the exception of Representatives Brower, Har, McKelvey and Oshiro, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 692 through 708) were received and announced by the Clerk:

Sen. Com. No. 692, transmitting H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ADOPT RULES TO REQUIRE THAT ANY ASSESSMENT OF PENALTY OR INTEREST ON TAXES BE ACCOMPANIED BY AN EXPLANATION, INCLUDING CALCULATIONS, OF HOW THE AMOUNT OF THE PENALTY OR INTEREST WAS DETERMINED," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 693, transmitting H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO PROVIDE A STATUS REPORT ON THE HAWAII ABLE SAVINGS PROGRAM," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 694, transmitting H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE STAKEHOLDERS OF NATIVE HAWAIIAN-CULTURE-BASED HOOPONOPONO SERVICES," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 695, transmitting H.C.R. No. 26, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAILUA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND BOAT RAMP, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 696, transmitting H.C.R. No. 27, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 697, transmitting H.C.R. No. 56, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONDUCT A STUDY ON SURROGACY AND GESTATIONAL CARRIER AGREEMENTS," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 698, transmitting H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING

CHANNEL, CONCRETE SURGE BREAK OR BREAKWATER, SEAWALL, STEP, AND FILLED LAND, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 699, transmitting H.C.R. No. 78, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 700, transmitting H.C.R. No. 80, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A WORKING GROUP TO STUDY THE POTENTIAL TRANSFER OF MANAGEMENT AND MAINTENANCE OF THE ROYAL MAUSOLEUM AT MAUNA 'ALA TO ONE OR MORE APPROPRIATE NONPROFIT ORGANIZATIONS," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 701, transmitting H.C.R. No. 97, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED AND RECLAIMED (FILLED) LANDS AT KUAU, MAKAWAO, PAIA, MAUI, FOR MAINTENANCE AND REPAIRS OF THE EXISTING ROCK WALLS, REVETMENTS, STAIRWAY, AND LAWN OVER, UNDER, AND ACROSS STATE-OWNED LAND," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 702, transmitting H.C.R. No. 104, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE STATE OF HAWAII FOR THE RIGHTS OF THE INDIGENOUS PEOPLE OF NORTH DAKOTA TO PRESERVE THEIR CULTURAL HERITAGE AND ACCESS TO CLEAN WATER," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 703, transmitting H.C.R. No. 105, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO REPORT TO THE LEGISLATURE ON ITS EFFORTS TO ADDRESS ISSUES RELATED TO THE VOCATIONAL REHABILITATION UNIT IN ITS DISABILITY COMPENSATION DIVISION," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 704, transmitting H.C.R. No. 125, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING HAWAII TO BE A HO'OKIPA (WELCOMING) STATE AND REQUESTING LOCAL LAW ENFORCEMENT AGENCIES TO DECLINE TO WORK WITH FEDERAL IMMIGRATION AUTHORITIES," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 705, transmitting H.C.R. No. 148, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO EXAMINE AND DEVELOP RECOMMENDATIONS TO ADDRESS THE ISSUE OF SQUATTING IN THE STATE," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 706, transmitting H.C.R. No. 152, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIPOULI, KAWAIHAU, KAUAI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," which was adopted by the Senate on April 24, 2017.

Sen. Com. No. 707, dated April 24, 2017, 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. 165, Kim, Chair; Keith-Agaran/Harimoto, Co-Chairs;
HD 1, SD 2 Ruderman

H.B. No. 637, Nishihara, Chair; Kim/Baker/Taniguchi, Co-Chairs
HD 2, SD 2

H.B. No. 1465, Nishihara, Chair; S. Chang/Keith-Agaran, Co-Chairs
HD 2, SD 2

H.B. No. 1471, Wakai, Chair; Nishihara/Baker/Tokuda, Co-Chairs;
HD 3, SD 2 L. Thielen

Sen. Com. No. 708, dated April 24, 2017, 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 Bill:

S.B. No. 420, Nishihara, Chair; Inouye/L. Thielen, Co-Chairs
SD 1, HD 1

INTRODUCTIONS

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

Representative Yamane introduced Mr. Carty Chang and Ms. Carol Tyau-Beam, Department of Land and Natural Resources, Engineering Division; Mr. Brian Miyamoto, Hawaii Farm Bureau; Ms. Mihoko Ito; and Ms. Myoung Oh, Hawaii Association of REALTORS.

Representative Souki introduced his former son-in-law, Dutch O'Neil; and Mr. Chuck Freedman.

Representative DeCoite introduced from the Office of the Mayor, Maui County: Mr. Rod Antone, Communications Director; and Mr. Donald Couch, Executive Assistant.

At 11:45 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

ORDER OF THE DAY

REPORTS OF CONFERENCE COMMITTEES

Representatives Brower, Yamane 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. 715, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 715, 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. 1 and S.B. No. 715, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL ACTION TEAM ON AFFORDABLE RENTAL HOUSING," was deferred for a period of 48 hours.

FINAL READING

Representative Saiki moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Har, McKelvey and Oshiro were excused.)

H.B. No. 651, HD 2, (SD 1)
H.B. No. 849, HD 1, (SD 1)
H.B. No. 1418, (SD 1)

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 Final Reading by consent calendar. (Representatives Har, McKelvey and Oshiro were excused.)

FINAL READING

H.B. No. 651, HD 2, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 651, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Final Reading by a vote of 48 ayes, with Representatives Har, McKelvey and Oshiro being excused.

H.B. No. 849, HD 1, SD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 849, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM," passed Final Reading by a vote of 48 ayes, with Representatives Har, McKelvey and Oshiro being excused.

H.B. No. 1418, SD 1:

Representative Saiki moved that H.B. No. 1418, SD 1 pass Final Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in strong support of the passage of House Bill 1418. Mr. Speaker, I would like to thank my colleagues in the majority for signing on to this important legislation as fellow introducers and co-sponsors of this bill. Thank you, members, and the key chairs that helped move this measure forward, both in the House and the Senate.

"Members, over a year ago, on April 15, 2016, the Federal Emergency Management Agency, known as FEMA, alerted our governor of the serious matter that the State of Hawaii and our four counties participating in the National Flood Insurance Program would be suspended from federal protection and lose funding due to amendments made to the Hawaii Revised Statutes in 2013. According to FEMA, this amendment exempted agricultural structures from the building code and permit requirements, and resulted in the State of Hawaii and its four counties failing to maintain state floodplain management requirements. Mr. Speaker, this issue was so serious that FEMA threatened to suspend the State of Hawaii and its counties' federal flood insurance protection, effective July 31, 2017.

"Mr. Speaker, when communities are suspended from the National Flood Insurance Program, they lose their eligibility for both federally backed flood insurance as well as certain federal disaster assistance. If a flood disaster occurred in a suspended community, most types of federal disaster assistance are not available for acquisition, construction, or repair of insurable structures in the Special Flood Hazard Area.

"Members, Hawaii currently has 60,000 flood insurance policies, totaling over \$13.2 billion in flood insurance coverage. These 60,000 policies were vulnerable to cancellation from FEMA's suspension warning. As an island state isolated in the middle of the Pacific Ocean, it is imperative that we maintain this critical federal funding.

"For the past 40 years, Hawaii benefitted from nearly 4,600 claims, totaling, to our residents, \$87 million. It is estimated that federal disaster assistance made available to Hawaii provided under the NFIP program since the '80s totaled over \$400 million in assistance, which helped us, Mr. Speaker, to recover from natural disasters like Hurricanes Iwa and Iniki, Tropical Storm Iselle, the magnitude 6.7 Kiholo earthquake, and various other storms and floods.

"Furthermore, FEMA's letter threatened that if the State of Hawaii were to be suspended from the National Flood Insurance Program, all federal agencies would be prohibited from making grants, loans or guarantees for the acquisition of structures, including programs like the Federal Housing Administration, Veterans Administration, and the Small Business Administration, among others.

"Mr. Speaker, as your Water & Land Chair, I felt it was extremely necessary to rectify this situation. I am grateful, Mr. Speaker, for the partnership of my colleagues both in the House and the Senate, and their leadership. I also would like to thank the partnership with FEMA Region 9, the Engineering Division of the Department of Land and Natural Resources, who are here today, our four counties, the Hawaii Association of REALTORS, the Hawaii Farm Bureau, and all of Hawaii's insurers, banks and builders, which worked together to pass this bill, HB 1418, or hopefully pass, after the vote.

"Rather than repeal Act 203 of 2013, House Bill 1418 continues to support Hawaii's agricultural communities. This bill includes language to ensure that all new structures comply with the National Flood Insurance Program requirements.

"Mr. Speaker and members, I would like to emphasize to you that FEMA supports the language in this bill. In an email sent to me from FEMA last week, the FEMA director wrote, our legal and National Flood Insurance Program experts have assured me that this bill, that you see today, still meets our requirements, and therefore the State of Hawaii's needs, in ensuring compliance with the National Flood Insurance Program. This bill is good to go, and exciting that this may be getting across the finish line, end quote."

Representative DeCoite rose to yield her time, and the Chair "so ordered."

Representative Yamane continued, stating:

"Thank you. Members, today, with your support on this bill, Hawaii's property owners can trust that their NFIP flood insurance will be protected and will remain in place, protecting them from future floods and natural disasters. Thanks to this partnership and my esteemed colleagues for your continued support, the State of Hawaii is on track to clarify our state's building laws, protecting Hawaii's property owners, and averting a terrible disaster if our federal flood insurance program was canceled.

"Mr. Speaker, this bill is a testament to what we as a Legislature can do, bringing people together and building partnerships. Thank you, and thank you, members."

The motion was put to vote by the Chair and carried, and H.B. No. 1418, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND," passed Final Reading by a vote of 48 ayes, with Representatives Har, McKelvey and Oshiro being excused.

At 12:10 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 651, HD 2, SD 1
H.B. No. 849, HD 1, SD 1
H.B. No. 1418, SD 1

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 certain House Bills. (Representatives Har, McKelvey and Oshiro were excused.)

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 Bills, seconded by Representative Evans and carried: (Representatives Har, McKelvey and Oshiro were excused.)

H.B. No. 91, HD 1, (SD 1)
H.B. No. 605, HD 1, (SD 1)
H.B. No. 912, HD 2, (SD 1)
H.B. No. 1027, HD 1, (SD 2)
H.B. No. 1028, HD 2, (SD 1)
H.B. No. 1182, HD 1, (SD 2)
H.B. No. 1309, HD 1, (SD 1)

ANNOUNCEMENTS

Representative Takayama: "Mr. Speaker, this is for conferees on public safety bills that were on our 11:00 a.m. agenda this morning, that we'll be reconvening on these four House bills at 1:00 p.m. this afternoon, in Room 312. Thank you."

ADJOURNMENT

At 12:13 o'clock a.m., on motion by Representative Evans, seconded by Representative Ward and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 26, 2017. (Representatives Har, McKelvey and Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 25, 2017, 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 4, 2017, and gives its notice of intent to agree to the following House Bills:

H.B. No. 91, HD 1, SD 1
H.B. No. 1182, HD 1, SD 2

House Communication dated April 25, 2017, 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 7, 2017, and gives its notice of intent to agree to the following House Bills:

H.B. No. 605, HD 1, SD 1
H.B. No. 1309, HD 1, SD 1

House Communication dated April 25, 2017, 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 11, 2017, and gives its notice of intent to agree to the following House Bill:

H.B. No. 1028, HD 2, SD 1

House Communication dated April 25, 2017, 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 13, 2017, and gives its notice of intent to agree to the following House Bills:

H.B. No. 912, HD 2, SD 1
H.B. No. 1027, HD 1, SD 2

House Communication dated April 25, 2017, 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

agreed to the amendments made by the Senate and passed the following
House Bills on Final Reading:

H.B. No. 651, HD 2, SD 1
H.B. No. 849, HD 1, SD 1
H.B. No. 1418, SD 1