

## FIFTIETH DAY

**Tuesday, April 17, 2018**

The House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018, convened at 11:32 o'clock a.m., with Speaker Saiki presiding.

The invocation was delivered by Mr. Ka'imi Cambern of the Office of Representative Justin H. Woodson, after which the Roll was called showing all Members present with the exception of Representative Choy, who was excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 785 and 786) were received and announced by the Clerk:

Sen. Com. No. 785, dated April 16, 2018, 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. 1401, HD 1, SD 1	Taniguchi, Chair; Keith-Agaran, Co-Chair; K. Rhoads
H.B. No. 1667, HD 1, SD 1	Taniguchi, Chair; K. Rhoads, L. Thielen
H.B. No. 1873, HD 1, SD 1	Baker, Chair; Ihara, Ruderman
H.B. No. 1900, HD 1, SD 2	Dela Cruz, Chair; English, Galuteria, Harimoto, Inouye, K. Kahele, Keith-Agaran, Kidani, Riviere, Shimabukuro, Wakai
H.B. No. 1934, HD 1, SD 2	Gabbard, Chair; Baker, Co-Chair; Riviere
H.B. No. 2145, HD 1, SD 1	Baker, Chair; Espero, Ihara
H.B. No. 2149, HD 1, SD 1	Baker, Chair; Ihara, Nishihara
H.B. No. 2207, HD 2, SD 1	Baker, Chair; S. Chang, Ihara
H.B. No. 2219, HD 1, SD 1	Gabbard, Chair; Nishihara, Co-Chair; Ruderman
H.B. No. 2342, HD 1, SD 1	Baker, Chair; Ihara, Ruderman
H.B. No. 2596, HD 2, SD 1	K. Rhoads, Chair; Taniguchi, Co-Chair; L. Thielen

Sen. Com. No. 786, dated April 16, 2018, 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. 2053, SD 1, HD 1	Baker, Chair; Nishihara, Ruderman
S.B. No. 2146, HD 1	Taniguchi, Chair; Gabbard, K. Rhoads

S.B. No. 2174, SD 1, HD 1	Taniguchi, Chair; K. Rhoads, L. Thielen
S.B. No. 2180, SD 1, HD 1	Taniguchi, Chair; K. Rhoads, L. Thielen
S.B. No. 2244, SD 1, HD 2	Tokuda, Chair; Baker, Co-Chair; Ihara
S.B. No. 2247, SD 1, HD 2	Baker, Chair; S. Chang, Tokuda
S.B. No. 2258, SD 1, HD 2	Baker, Chair; S. Chang, Tokuda
S.B. No. 2297, HD 2	Tokuda, Chair; Inouye/Baker, Co-Chairs
S.B. No. 2407, SD 1, HD 1	Baker, Chair; Espero, Nishihara
S.B. No. 2487, HD 1	Baker, Chair; Green, Co-Chair; S. Chang
S.B. No. 2488, SD 2, HD 1	Baker, Chair; English, Co-Chair; Espero
S.B. No. 2490, SD 1, HD 2	Baker, Chair; Nishihara, Tokuda
S.B. No. 2522, SD 1, HD 1	Gabbard, Chair; Keith-Agaran, Co-Chair; Nishihara
S.B. No. 2567, SD 2, HD 2	Gabbard, Chair; Baker, Co-Chair; Riviere
S.B. No. 2643, SD 1, HD 2	Baker, Chair; S. Chang, Ruderman
S.B. No. 2646, SD 1, HD 3	Baker, Chair; Espero, Tokuda
S.B. No. 2691, SD 1, HD 1	Taniguchi, Chair; Kim, K. Rhoads
S.B. No. 2770, SD 1, HD 1	Baker, Chair; S. Chang, Ruderman
S.B. No. 2783, HD 1	Baker, Chair; Espero, Co-Chair; S. Chang, Ihara, Tokuda
S.B. No. 2992, SD 1, HD 1	Taniguchi, Chair; Kim, K. Rhoads
S.B. No. 3025, SD 1, HD 1	Baker, Chair; S. Chang, Ihara

## INTRODUCTIONS

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

Representatives Yamane and Matsumoto, on behalf of the Mililani delegation, introduced students of the Mililani High School 'Aina Pono Student Task Force: Jorge Aponte Alvarez, Destiny Perreira, Jessica Delos Reyes, Alyssa Yamada-Barretto, Ashley Davison and Darius Monroe; and their advisors, Ms. Janet Leilani Ward-Riehl and Ms. Danielle Castro.

Representative Ward introduced Mr. Mark Fox, Director of External Affairs, The Nature Conservancy of Hawaii.

Representative Morikawa introduced Ms. Melissa Fisher, Director of Kauai Forest Program, The Nature Conservancy of Hawaii.

At 11:40 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:49 o'clock a.m.

## ORDER OF THE DAY

### REPORTS OF STANDING COMMITTEES

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2053-18) recommending that S.C.R. No. 74, SD 1 be adopted.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING PAPA OLA LOKAHI TO ASSESS THE IMPACT ON SOCIAL, FINANCIAL, AND CULTURAL INTEGRITY OF PROVIDING HEALTH COVERAGE FOR CERTAIN NATIVE HAWAIIAN CULTURE-BASED ACTIVITIES," was adopted, with Representatives Choy and Say being excused.

### FINAL READING

Representative Belatti moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Morikawa and carried: (Representative Choy was excused.)

H.B. No. 1624, HD 1, (SD 1)

H.B. No. 2114, HD 2, (SD 1)

H.B. No. 2275, HD 2, (SD 2)

### SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representative Choy was excused.)

### FINAL READING

#### H.B. No. 1624, HD 1, SD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1624, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Say voting no, and with Representative Choy being excused.

#### H.B. No. 2114, HD 2, SD 1:

Representative Belatti moved that H.B. No. 2114, HD 2, SD 1 pass Final Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. Thanking the chair for the amendments, respectfully, a no vote. Thank you."

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

"Mr. Speaker, until the veto that the Governor placed on this bill last year is cleared, I am also a no vote. Thank you."

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

"Thank you, Mr. Speaker. In support. I'd like to just make comments, I think because this is final reading and it will likely not come back to us, it's important for the record to be clear. Although the previous speaker regularly alludes to the veto of what was SB 410 in last session, this measure is substantially different. Here are some of the differences that I would like to highlight for the members so that they know that this has been a finely-honed compromise between the executive branch and the six public-sector unions. Some of the substantial differences include the following.

"One, this product, and I'd actually like to thank James Nishimoto for his work when he was the chief negotiator on behalf of the executive branch, he actually brokered this compromise and much of the language that is contained in HB 2114, and since he is no longer part of the administration, I did want to express my thanks. I think it's very significant that the chief negotiator was the one who negotiated some of this compromise language with the six public-sector unions.

"This is far more narrow in scope than SB 410. In fact, what it does, Mr. Speaker, is preserve the status quo and the fidelity to Chapter 89 bargaining rights, which is the bedrock of our labor law. It does so by explicitly clarifying that a gray area that existed before, with respect to management and public-sector prerogatives, the employee prerogatives, when they conflicted, as we saw with the privatization of public services, there was an imbalance created. And in that imbalance, sometimes management asserted that their prerogative should supersede anything, even when it had to do with wages, working conditions and hours. Again, the three terms of Chapter 89. And that, again, created the imbalance that brings us here today.

"What this bill does, Mr. Speaker, explicitly in the bill as well as in the committee report, is to define the fact that some of these, when management and the employee prerogatives clash, if it is not something explicitly stated, as may be the case when management has the right to transfer an entity to the private sector as enabled by this body, but when it effects the employees' wages, working conditions and hours, what this bill does, Mr. Speaker, is clarify that some of these areas are still gray. Neither side is compelled to negotiate on them and neither side is bound in a particular way. And I think while that preserves the status quo, it does add a little bit of clarity to a situation that, as we find ourselves in different circumstances in the future, may arise, that will create some ambiguity if this is not rectified.

"I think also for the record, Mr. Speaker, I'd like to, because we often don't discuss these, I would like to name all the employer groups, because you don't have to take my word for it, the fact that all of these employer groups except for one have remained silent and not opposed this bill when they opposed SB 410 is a significant testament to the fact that there is agreement on this compromise. And for the members edification, the public employers are the governor, the respective mayors of the counties, the chief justice of the Supreme Court of the Judiciary, the Board of Education, the Department of Education, the Board of Regents of UH, the Hawaii Health Systems Corporation. And out of all of these groups, Mr. Speaker, all of these groups that negotiate our collective bargaining agreements, only HHSC has ever testified in opposition.

"So because there's been some statements in the record that imply that this is exactly the same as a measure vetoed before, I did want to introduce some clarity, and I did want to note that in a committee where compromise is very rare, mutually agreed upon compromise is very rare, I'd like to thank all the parties, all six public-sector unions and the executive branch for coming together to achieve what regularly is very rarely seen in the Labor Committee, which is an amicable compromise for all. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2114, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Tupola and Ward voting no, and with Representative Choy being excused.

#### H.B. No. 2275, HD 2, SD 2:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 2275, HD 2, SD 2, entitled: "A BILL FOR

AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 49 ayes, with Representative Choy being excused.

At 11:56 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1624, HD 1, SD 1  
H.B. No. 2114, HD 2, SD 1  
H.B. No. 2275, HD 2, SD 2

#### SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that the Chair has discharged the House conferees previously assigned to the following measures. House Bill No. 1605, HD 1, SD 1; and House Bill No. 2395, SD 1. The House will now proceed to reconsider its disagreement to the Senate amendments to certain House bills, including the aforementioned measures."

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the rules were suspended to reconsider action previously taken on in disagreeing to amendments made by the Senate to certain House Bills. (Representative Choy was excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative Belatti 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 Morikawa and carried: (Representative Choy was excused.)

H.B. No. 1605, HD 1, (SD 1)  
H.B. No. 2395, (SD 1)

#### ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, in Room 429, the luncheon with Pastor Nakanishi will proceed, and those who have reserved are fine, and those who haven't reserved are still welcome, also. So, in the next few minutes, it'll be taking place. Thank you."

#### COMMITTEE REASSIGNMENTS

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

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
48, SD3, HD2	Committee on Finance, then to the Committee on Economic Development & Business, then to the Committee on Higher Education
2571, SD2, HD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

#### ADJOURNMENT

At 11:58 o'clock a.m., on motion by Representative Morikawa, seconded by Representative Ward and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 18, 2018. (Representative Choy was excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 17, 2018, 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 measures:

H.B. No. 1605, Discharged all conferees.  
HD 1, SD 1

H.B. No. 2395, Discharged all conferees.  
SD 1

House Communication dated April 17, 2018, 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:

H.B. No. 1911, House Conferees Added: Representative Cachola  
HD 2, SD 1 added as Conferee.

House Communication dated April 17, 2018, 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. 48, Luke replaces Evans as lead Co-Chair.  
SD 3, HD 2

House Communication dated April 17, 2018, 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. 192, House Conferees Added: Representatives Morikawa,  
SD 1, HD 1 Nakamura added as Conferees.

House Communication dated April 17, 2018, 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. 2571, House Conferees Added: Representative Takumi  
SD 2, HD 2 added as Co-Chair.

House Communication dated April 17, 2018, 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 March 27, 2018, and gives its notice of intent to agree to the following House Bill:

H.B. No. 2395, SD 1

House Communication dated April 17, 2018, 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 March 28, 2018, and gives its notice of intent to agree to the following House Bill:

H.B. No. 1605, HD 1, SD 1

House Communication dated April 17, 2018, 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. 1624, HD 1, SD 1  
H.B. No. 2114, HD 2, SD 1  
H.B. No. 2275, HD 2, SD 2