

TWENTY-FIFTH DAY

Tuesday, March 5, 2019

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, convened at 9:04 o'clock a.m., with Speaker Saiki presiding.

The invocation was delivered by Ms. Abriana Burruso, after which the Roll was called showing all members present with the exception of Representatives Cabanilla Arakawa, B. Kobayashi, Quinlan and Say, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 8 and 9) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 8, dated February 28, 2019, requesting approval for a \$15 million FY 19 emergency general fund appropriation for the Department of Transportation Highways Administration program for emergency projects.

Gov. Msg. No. 9, dated March 1, 2019, requesting an amendment to Act 215, SLH 2018, to include rental motor vehicle surcharge lessees with valid Hawaii driver's licenses to address constitutional concerns and to establish the Highway Road Capacity Special Fund.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 16 through 27) were received and announced by the Clerk:

Sen. Com. No. 16, transmitting S.B. No. 98, entitled: "A BILL FOR AN ACT RELATING TO CROSSWALK SAFETY," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 17, transmitting S.B. No. 203, entitled: "A BILL FOR AN ACT RELATING TO VACCINATIONS," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 18, transmitting S.B. No. 376, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 19, transmitting S.B. No. 543, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 20, transmitting S.B. No. 558, entitled: "A BILL FOR AN ACT RELATING TO NAMES," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 21, transmitting S.B. No. 772, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LAWS," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 22, transmitting S.B. No. 980, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 23, transmitting S.B. No. 1211, entitled: "A BILL FOR AN ACT RELATING TO FORMS SUBMITTED TO THE INSURANCE COMMISSIONER," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 24, transmitting S.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 25, transmitting S.B. No. 1328, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 26, transmitting S.B. No. 1383, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF HEALTH," which passed Third Reading in the Senate on March 01, 2019.

Sen. Com. No. 27, transmitting S.B. No. 1423, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF BAIL," which passed Third Reading in the Senate on March 01, 2019.

On motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Cabanilla Arakawa, B. Kobayashi, Quinlan and Say were excused.)

S.B. No. 98
S.B. No. 203
S.B. No. 376
S.B. No. 543
S.B. No. 558
S.B. No. 772
S.B. No. 980
S.B. No. 1211
S.B. No. 1221
S.B. No. 1328
S.B. No. 1383
S.B. No. 1423

INTRODUCTIONS

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

Representative Hashem introduced Spencer Kimura, director of LLM and Summer Programs, William S. Richardson School of Law, and a group of law students visiting from Japan.

Representative Perruso introduced members of the Hawaii State Teachers Association.

Representative Ward introduced Ari Brara, owner, Mantec Consultants; Kathy Berden, Republican National Committee member from Michigan; and her husband, Dean Berden.

Representative DeCoite introduced her aunt, Diane Mokuau of Molokai.

Representative Kitagawa introduced Deborah and Gabriella Barbour from Kaneohe.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Cabanilla Arakawa and Quinlan were excused.)

CONSENT CALENDAR
UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, there will be no discussion, as these are items agreed to by the body for placement on the consent calendar."

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1165) recommending that H.B. No. 788, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 788, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1166) recommending that H.B. No. 811, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 811, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1169) recommending that H.B. No. 336, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 336, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1171) recommending that H.B. No. 320, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 320, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENDER REENTRY," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1176) recommending that H.B. No. 391, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 391, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1179) recommending that H.B. No. 812, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 812, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-SPEED ELECTRIC BICYCLES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1181) recommending that H.B. No. 696, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 696, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative DeCoite's written remarks in support of the measure are as follows:

"Support, with concerns. I believe that allowing advanced practice registered nurses to make determinations of a person's disability could potentially be abused and may lead to the over-issuance of disability parking permits. In addition, I am concerned that law enforcement officers may discriminate against, or falsely cite those who are seemingly unimpaired. *Mahalo.*"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 696, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1186) recommending that H.B. No. 488, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 488, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1187) recommending that H.B. No. 6, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 6, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representatives Lee and Takumi, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1191) recommending that H.B. No. 665, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committees was adopted and H.B. No. 665, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representatives Takumi and Lee, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1192) recommending that H.B. No. 253, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committees was adopted and H.B. No. 253, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1195) recommending that H.B. No. 1305, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1305, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL ASSISTANCE AGREEMENT," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1196) recommending that H.B. No. 221, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 221, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL ASSISTANTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1197) recommending that H.B. No. 666, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 666, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1198) recommending that H.B. No. 214, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 214, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISINTERMENT OF HUMAN BODIES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1199) recommending that H.B. No. 527, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 527, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1200) recommending that H.B. No. 1468, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1468, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAË COAST COMPREHENSIVE HEALTH CENTER," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1201) recommending that H.B. No. 304, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 304, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1202) recommending that H.B. No. 1457, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1457, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIT ORIENTED DEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1204) recommending that H.B. No. 861, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 861, HD 2, entitled: "A BILL FOR AN ACT RELATED TO LAND USE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1205) recommending that H.B. No. 329, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1207) recommending that H.B. No. 437, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 437, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1208) recommending that H.B. No. 1417, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1209) recommending that H.B. No. 1188, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1188, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT OFFICE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1211) recommending that H.B. No. 818, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 818, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING PROJECTS IN COMMUNITY DEVELOPMENT DISTRICTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1212) recommending that H.B. No. 123, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 123, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1214) recommending that H.B. No. 246, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 246, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1215) recommending that H.B. No. 413, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 413, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION INNOVATION GRANTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1216) recommending that H.B. No. 1455, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1455, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1217) recommending that H.B. No. 1469, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1469, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLEGE SAVINGS PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1218) recommending that H.B. No. 1547, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1547, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1219) recommending that H.B. No. 250, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 250, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED HEALTH SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1221) recommending that H.B. No. 921, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 921, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1222) recommending that H.B. No. 996, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 996, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE STATE PUBLIC CHARTER SCHOOL COMMISSION TO MAINTAIN AND CONTINUE THE CURRENT FEDERALLY FUNDED CHARTER SCHOOL PREKINDERGARTEN CLASSROOMS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1223) recommending that H.B. No. 1465, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1465, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1225) recommending that H.B. No. 1032, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1032, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1230) recommending that H.B. No. 1355, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1355, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1231) recommending that H.B. No. 1356, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1356, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1233) recommending that H.B. No. 1452, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1452, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LEGAL SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1236) recommending that H.B. No. 420, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 420, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN CULTURE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1238) recommending that H.B. No. 908, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 908, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1239) recommending that H.B. No. 911, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 911, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1240) recommending that H.B. No. 1375, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1375, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII MUSEUM OF NATURAL AND CULTURAL HISTORY," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1244) recommending that H.B. No. 1451, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1451, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1245) recommending that H.B. No. 483, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 483, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1246) recommending that H.B. No. 1209, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1209, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1253) recommending that H.B. No. 988, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSITIONAL AUTHORITY IN THE MORTGAGE INDUSTRY," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1254) recommending that H.B. No. 989, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 989, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1256) recommending that H.B. No. 990, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF DEFENSE FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1258) recommending that H.B. No. 418, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 418, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1259) recommending that H.B. No. 759, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 759, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1260) recommending that H.B. No. 1359, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1359, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISCAL BIENNIUM 2019-2021 BUDGET REQUESTS FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1261) recommending that H.B. No. 1360, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1360, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

FISCAL BIENNIUM 2019-2021 BUDGET REQUESTS FOR THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1262) recommending that H.B. No. 1554, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1554, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1263) recommending that H.B. No. 1420, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1420, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1264) recommending that H.B. No. 1422, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1422, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1265) recommending that H.B. No. 1527, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1527, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON EARLY LEARNING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1267) recommending that H.B. No. 1125, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1125, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1268) recommending that H.B. No. 1126, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1126, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1269) recommending that H.B. No. 1127, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1270) recommending that H.B. No. 1330, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1271) recommending that H.B. No. 1331, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1272) recommending that H.B. No. 1332, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1332, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1273) recommending that H.B. No. 510, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 510, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1274) recommending that H.B. No. 1278, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1278, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1275) recommending that H.B. No. 1279, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1279, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OVERSIGHT OF ELECTION ACTIVITIES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1276) recommending that H.B. No. 1350, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1277) recommending that H.B. No. 1351, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1351, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1278) recommending that H.B. No. 1352, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1352, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1279) recommending that H.B. No. 1353, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1353, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC DEFENDER OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1280) recommending that H.B. No. 1354, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1354, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1281) recommending that H.B. No. 1357, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1282) recommending that H.B. No. 1178, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE FISCAL BIENNIUM 2019-2021 BUDGET REQUESTS FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1283) recommending that H.B. No. 1333, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1333, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY OPERATING BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1285) recommending that H.B. No. 894, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 894, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES LAND SURVEY BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1286) recommending that H.B. No. 895, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 895, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM STATE BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1287) recommending that H.B. No. 896, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 896, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES STATE BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1288) recommending that H.B. No. 1404, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1404, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1289) recommending that H.B. No. 1405, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1405, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES BUDGET," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

THIRD READING

H.B. No. 499, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 499, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS LABELING," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 495, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 273, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY NOTICE FOR INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 220, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 220, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 941, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE'S DESIGNATION OF BENEFICIARY FORM," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1116, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1261, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1261, HD 1, entitled: "A BILL FOR AN ACT RELATED TO JUDICIAL PROCEEDINGS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 170, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 169, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1053, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1053, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE IDENTIFICATION CARDS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 316, HD 1:

Representative Belatti moved that H.B. No. 316, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Matayoshi's written remarks in support of the measure are as follows:

"This bill is to address the ongoing problem of abandoned vehicles littered across our state. On the suggestion of the administrator of Department of Customer Services, Abul Hassan, I propose to allow vehicles assessed at \$1,000 or less to be classified as derelict vehicles. Cars that are declared derelict can be removed much faster. Without this derelict designation, the City has a responsibility to attempt to track down the owner, which can leave abandoned cars on our roads for a month or longer. Attached is a letter from Administrator Hassan in support of this bill, which goes into detail of how this bill will assist the efforts of the department in clearing cars from our streets."

Representative Matayoshi also submitted the following:

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU
MISSION MEMORIAL BUILDING
550 SOUTH KING STREET, HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-3392 FAX: (808) 768-1591
<http://www.honolulu.gov>

KIRK CALDWELL
MAYOR



SHERI T. KAJIMARA
DIRECTOR
RANDY M. LEONG
DEPUTY DIRECTOR

HOUSE BILL 316, "RELATING TO Derelict Vehicles"

Dear Representative Matayoshi:

This letter is in response to your inquiry on the City and County's ability to remove derelict vehicles and some of the challenges faced in the removal of these vehicles, particularly when vehicles are valued at less than \$1,000. The Department of Customer Services (DCS) understands that H.B. No. 316 proposes to address this matter.

The Division of Motor Vehicles, Licensing and Permits of the Department of Customer Services is the entity that oversees the Motor Vehicle Control section which has the specific duties of enforcing code and subsequently working with vendors to remove vehicles classified as derelict or abandoned.

In light of our in-the-field experience, we have run into a multitude of issues where the vehicle in question is determined to be inoperable and has a valid registration, but may be valued under \$1,000 because while it is validly registered it is also being cannibalized for parts because it is in a state of abandonment by its registered owner.

As the regulation on derelict vehicles presently exists, it is seldom that we are able to qualify a vehicle that is inoperable with one of its secondary requirements such as: 1) An owner disclaims the vehicle or 2) License plate is missing or 3) No record is found. As a result, a majority of vehicles that are derelict in public spaces are often forced to be classified as abandoned thereby creating a major hurdle for the administration as it must go through a far more rigid process of notification prior to auction. Said auctions generally net a sale of roughly 2.5% of the total inventory placed in auction whereby the rest of the vehicles are salvaged post auction.

The above statistics clearly demonstrate that the majority of unclaimed vehicles are not auction worthy. However, in the absence of regulation that gives us leverage to further classify vehicles as derelict we are left with simply bad options that are resource exhaustive and yield little to no result.

The City would welcome additional means to remove vehicles identified as inoperable but still validly registered, such as is proposed in H.B. No. 316, so long as the constitutional rights to personal property are still protected as required by law.

If you have any questions or need any further assistance, please do not hesitate in contacting me at (808) 768-9199.

Respectfully,

Abul Hassan

Administrator

Motor Vehicle Licensing & Permits
City & County of Honolulu

The motion was out to vote by the Chair and carried, and H.B. No. 316, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 507, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 507, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 159, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 807, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 807, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1041:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1041, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 124, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 770, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 770, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE HONALO MARSHALLING YARD," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 844, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 844, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 885, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1043, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

H.B. No. 1049, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1049, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla Arakawa and Quinlan being excused.

At 9:16 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 788, HD 2
 H.B. No. 811, HD 2
 H.B. No. 336, HD 2
 H.B. No. 320, HD 2
 H.B. No. 391, HD 2
 H.B. No. 812, HD 2
 H.B. No. 696, HD 2
 H.B. No. 488, HD 2
 H.B. No. 6, HD 3
 H.B. No. 665, HD 2
 H.B. No. 253, HD 2
 H.B. No. 1305, HD 2
 H.B. No. 221, HD 2
 H.B. No. 666, HD 2
 H.B. No. 214, HD 2
 H.B. No. 527, HD 2
 H.B. No. 1468, HD 2
 H.B. No. 304, HD 2
 H.B. No. 1457, HD 2
 H.B. No. 861, HD 2
 H.B. No. 329, HD 1
 H.B. No. 437, HD 1
 H.B. No. 1417, HD 1
 H.B. No. 1188, HD 2
 H.B. No. 818, HD 2
 H.B. No. 123, HD 2
 H.B. No. 246, HD 2
 H.B. No. 413, HD 2
 H.B. No. 1455, HD 2
 H.B. No. 1469, HD 2
 H.B. No. 1547, HD 2
 H.B. No. 250, HD 2
 H.B. No. 921, HD 2
 H.B. No. 996, HD 2
 H.B. No. 1465, HD 2
 H.B. No. 1032, HD 2
 H.B. No. 1355, HD 2
 H.B. No. 1356, HD 1
 H.B. No. 1452, HD 1
 H.B. No. 420, HD 1
 H.B. No. 908, HD 2
 H.B. No. 911, HD 2
 H.B. No. 1375, HD 2
 H.B. No. 1451, HD 3
 H.B. No. 483, HD 2
 H.B. No. 1209, HD 2
 H.B. No. 988, HD 1
 H.B. No. 989, HD 1
 H.B. No. 990, HD 1
 H.B. No. 418, HD 2
 H.B. No. 759, HD 2
 H.B. No. 1359, HD 1
 H.B. No. 1360, HD 2
 H.B. No. 1554, HD 2
 H.B. No. 1420, HD 2
 H.B. No. 1422, HD 2
 H.B. No. 1527, HD 2
 H.B. No. 1125, HD 2
 H.B. No. 1126, HD 2
 H.B. No. 1127, HD 1
 H.B. No. 1330, HD 1
 H.B. No. 1331, HD 1
 H.B. No. 1332, HD 1

H.B. No. 510, HD 2
 H.B. No. 1278, HD 2
 H.B. No. 1279, HD 1
 H.B. No. 1350, HD 1
 H.B. No. 1351, HD 2
 H.B. No. 1352, HD 2
 H.B. No. 1353, HD 1
 H.B. No. 1354, HD 2
 H.B. No. 1357, HD 1
 H.B. No. 1178, HD 1
 H.B. No. 1333, HD 2
 H.B. No. 894, HD 2
 H.B. No. 895, HD 2
 H.B. No. 896, HD 2
 H.B. No. 1404, HD 2
 H.B. No. 1405, HD 2

H.B. No. 499, HD 1
 H.B. No. 495, HD 1
 H.B. No. 273, HD 1
 H.B. No. 220, HD 1
 H.B. No. 941, HD 1
 H.B. No. 1116, HD 1
 H.B. No. 1261, HD 1
 H.B. No. 170, HD 1
 H.B. No. 169, HD 1
 H.B. No. 1053, HD 1
 H.B. No. 316, HD 1
 H.B. No. 507, HD 1
 H.B. No. 159, HD 1
 H.B. No. 807, HD 1
 H.B. No. 1041
 H.B. No. 124, HD 1
 H.B. No. 770, HD 1
 H.B. No. 844, HD 1
 H.B. No. 885, HD 1
 H.B. No. 1043, HD 1
 H.B. No. 1049, HD 1

At this time, the Chair stated:

"Members, please remember to submit to the Clerk the list of House bills on the consent calendar for which you will be inserting written comments in support or in opposition. This must be done by adjournment of today's floor session."

Representative Cabanilla Arakawa rose, stating:

"Excuse me, Mr. Speaker, can I please vote aye on the measures that just passed?"

The Chair addressed Representative Cabanilla Arakawa, stating:

"We've already called the vote, Representative."

At 9:16 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:14 o'clock a.m.

ORDINARY CALENDAR

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, could you please turn to page 28 of the order, we will be taking up House Bill 1383, HD1 out of order."

H.B. No. 1383, HD 1:

At this time, Representative Lee offered Floor Amendment No. 1, amending H.B. No. 1383, HD 1, as follows:

SECTION 1. House Bill No. 1383, H.D. 1, is amended by amending Section 1 (purpose section) by replacing the text on page 1, line 10 to page 2, line 5, with the following:

- "(1) Decriminalize the possession of three grams or less of marijuana and establish that possession of that amount is an infraction punishable by a monetary fine of \$200;
- (2) Establish an adjudicatory process for the foregoing infraction;
- (3) Provide for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three grams or less of marijuana; and
- (4) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State."

SECTION 2. House Bill No. 1383, H.D. 1, is amended by amending Section 2 by deleting its contents and replacing it with the following:

"SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER ADJUDICATORY PROCESS FOR MARIJUANA INFRACTIONS

§ -1 **Definitions.** As used in this chapter, unless the context requires otherwise:

"Court" means the district court.

"Notice of infraction" means a notice of infraction committed under this chapter.

§ -2 **Notice; form; determination final unless contested.** (a) A notice of infraction shall include the summons for the purposes of this section. Whenever a notice of infraction is issued to a person, the person's signature and current address shall be noted on the notice. If the person refuses to sign the notice of infraction, the officer shall record the refusal on the notice and issue the notice to the person. An individual to whom a notice of infraction is issued under this section shall not be arraigned before the court, unless required by rule of the supreme court.

(b) The form for the notice of infraction shall be prescribed by rules of the district court and shall be uniform throughout the State.

(c) The notice of infraction shall include the following:

- (1) A statement of the specific infraction for which the notice was issued;
- (2) A brief statement of facts;
- (3) A statement of the total fine amount for the infraction established pursuant to section -10, to be paid by the person;
- (4) A statement of the options provided in section -3(b) for answering the notice and the procedures necessary to exercise the options;
- (5) A statement that the person to whom the notice is issued shall answer, choosing one of the options specified in section -3(b), within twenty-one days of the issuance of the notice;
- (6) A statement that failure to answer the notice of infraction within twenty-one days of the issuance shall result in an entry of judgment by default for the State and may result in the assessment of a late penalty and that failure to pay the total amount specified in the default judgment within an additional thirty days or to otherwise take action to set aside the default judgment shall subject the person to section 706-647;
- (7) A statement that, at a hearing conducted pursuant to section -5 to contest the notice of infraction, no officer shall be present unless the person timely requests the court to have the officer present, and that the standard of proof to be applied by the court is whether a preponderance of the evidence proves that the specified infraction was committed;
- (8) A space in which the signature of the person to whom the notice was issued may be affixed; and

- (9) The date, time, and place at which the person to whom the notice was issued shall appear in court, if the person is required by the notice to appear in person at the hearing.

§ -3 Answer required. (a) A person who receives a notice of infraction shall answer the notice within twenty-one days of the date of issuance of the notice. There shall be included with the notice of infraction a preaddressed envelope directed to the clerk of the applicable district court.

(b) Unless the notice of infraction requires an appearance in person at a hearing as set forth in section -2(c)(9), in answering a notice of infraction, a person shall have the following options:

- (1) Admit the commission of the infraction in one of the following ways:

(A) By mail or in person, by completing the appropriate portion of the notice of infraction or preaddressed envelope and submitting it to the district court specified on the notice together with payment of the total amount stated on the notice of infraction; provided that payment by mail shall be in the form of a check, money order, or by an approved credit or debit card; and provided further that payment in person shall be in the form of United States currency, check, money order, or by an approved credit or debit card; or

(B) Via the Internet or by telephone, by submitting payment of the total amount stated on the notice of infraction; provided that payment via the Internet or by telephone shall be by an approved credit or debit card; or

- (2) Deny the commission of the infraction and request a hearing to contest the infraction by completing the appropriate portion of the notice of infraction or preaddressed envelope and submitting it, either by mail or in person, to the district court specified on the notice. A denial may include the assertion of affirmative defenses, including the affirmative defense accorded to the medical use of cannabis pursuant to section 329-125. In lieu of appearing in person at a hearing, the person may submit a written statement of grounds on which the person contests the notice of infraction, which shall be considered by the court as a statement given in court pursuant to section -5(a).

(c) When answering the notice of infraction, the person shall affix the person's signature to the answer and shall state the address at which the person will accept future mailings from the court. No other response shall constitute an answer for purposes of this chapter.

§ -4 Court action after answer or failure to answer. (a) When an admitting answer is received, the court shall enter judgment in favor of the State in the total amount specified in the notice of infraction. If payment of the total amount is not submitted with the answer, the court may take action as provided in section -6.

(b) When a denying answer is received, the court shall notify the person in writing of the date, time, and place of hearing to contest the notice of infraction. The notice of hearing shall be mailed to the address stated in the denying answer, or if none is given, to the address stated on the notice of infraction. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State as of the date of the scheduled hearing, that the total amount specified in the notice of infraction and default judgment shall be paid within thirty days of entry of default judgment, and if it is not paid, that the court shall take action as provided in section -6.

(c) If the person fails to answer within twenty-one days of issuance of the notice of infraction or fails to appear at the hearing, the court shall take action as provided in subsection (d).

(d) Whenever judgment by default in favor of the State is entered, the court shall mail a notice of entry of default judgment to the address provided by the person when the notice of infraction was issued. The notice of entry of default judgment shall advise the person that the total amount specified in the notice of infraction and default judgment shall be paid within thirty days of entry of default judgment and shall explain the procedure for setting aside a default judgment. The notice of entry of default judgment shall also inform the person that if the total amount is not paid within thirty days, the court shall take action as provided in section -6.

Judgment by default for the State entered pursuant to this section may be set aside pending final disposition of the infraction upon written

application of the person and posting of an appearance bond equal to the amount of the total amount specified in the default judgment. The application shall show good cause or excusable neglect for the person's failure to take action necessary to prevent entry of judgment by default.

Upon receipt of the application and required appearance bond, the court shall determine whether good cause or excusable neglect exists for the person's failure to take action necessary to prevent entry of judgment by default. If the court determines that good cause or excusable neglect exists, the application to set aside default judgment shall be granted, the default judgment shall be set aside, and the notice of infraction shall be disposed of pursuant to this chapter. If the court determines that good cause and excusable neglect do not exist, the application to set aside default judgment shall be denied, the appearance bond shall be forfeited and applied to satisfy amounts due under the default judgment, and the notice of infraction shall be finally disposed. In either case, the court shall determine the existence of good cause or excusable neglect and notify the person of its decision on the application in writing.

§ -5 Hearings. (a) In proceedings to contest a notice of infraction where the person to whom the notice was issued has timely requested a hearing and appears at the hearing:

- (1) In lieu of the personal appearance by the officer who issued the notice of infraction, the court shall consider the notice of infraction and any other written report made by the officer, if provided to the court by the officer, together with any oral or written statement by the person to whom the notice of infraction was issued;
- (2) The court may compel by subpoena the attendance of the officer who issued the notice of infraction and other witnesses from whom it may wish to hear;
- (3) The standard of proof to be applied by the court shall be whether, by a preponderance of the evidence, the court finds that the infraction was committed; and
- (4) After due consideration of the evidence and arguments, if any, the court shall determine whether commission of the infraction has been established. Where the commission of the infraction has not been established, judgment in favor of the defendant, dismissing the notice of infraction or any count therein with prejudice, shall be entered in the record. Where it has been established that the infraction was committed, the court shall enter judgment in favor of the State and shall assess a monetary fine pursuant to section -10. The court also shall inform the person of the right to request a trial pursuant to section -8. If the person requests a trial at the time of the hearing, the court shall provide the person with a trial date as soon as practicable.

(b) If a person for whom a hearing has been scheduled to contest the notice of infraction or to assert affirmative defenses fails to appear at the hearing, the court shall enter judgment by default for the State and take action as provided in section -4(d). If the total amount of the monetary assessment, fees, interest, or costs is not paid within thirty days of entry of default judgment, the court shall take action as provided in section -6.

§ -6 Failure to pay fine. When the person issued a notice of infraction or notice of entry of default judgment fails to pay the total amount specified in the notice, the amount may be collected in the same manner as a judgment in a civil action. The State may collect the amount, including costs, interest, and attorney's fees, pursuant to section 706-647.

§ -7 Time computation. In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day that is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included. Whenever an act required to be performed under this chapter may be accomplished by mail, the act shall be deemed to have been performed on the date of the postmark on the mailed article.

§ -8 Trial and concurrent trial. (a) There shall be no right to trial unless the defendant contests the notice of infraction pursuant to section -5. If, after proceedings to contest the notice of infraction, a

determination is made that the defendant committed the infraction, judgment shall enter in favor of the State. The defendant may request a trial in which the Hawaii rules of evidence, as specified under section -9(b), and the rules of the district court shall apply; provided that any request for trial shall be made within thirty days of entry of judgment. If, after appearing in person at a hearing to contest the notice of infraction, the person requests a trial at the conclusion of the hearing, the court shall provide the person with a trial date as soon as practicable.

(b) At the time of trial, the State shall be represented by a prosecuting attorney of the county in which the infraction allegedly occurred. The prosecuting attorney shall orally recite the charged civil infraction in court prior to commencement of the trial. Proof of the defendant's commission of the infraction shall be by a preponderance of the evidence.

(c) If trial on the infraction is held prior to trial on any related criminal offense, the following shall be inadmissible in the subsequent prosecution or trial of the related criminal offense:

- (1) Any written or oral statement made by the defendant in proceedings conducted pursuant to section -5; and
- (2) Any testimony given by the defendant in the trial on the infraction.

The statement or testimony, or both, shall not be deemed a waiver of the defendant's privilege against self-incrimination in connection with any related criminal offense.

(d) In any concurrent trial, the State shall be represented by a prosecuting attorney of the county in which the infraction and related crime allegedly occurred. Proof of the defendant's commission of the infraction shall be by a preponderance of the evidence, and proof of the related criminal offense shall be by proof beyond a reasonable doubt. The concurrent trial shall be conducted pursuant to the rules of the appropriate court, the Hawaii rules of evidence, and the Hawaii rules of penal procedure.

§ -9 Rules. (a) The supreme court may adopt rules of procedure for the conduct of all proceedings pursuant to this chapter.

(b) Chapter 626 shall not apply in proceedings conducted pursuant to this chapter, except for:

- (1) The rules governing privileged communications; and
- (2) Proceedings conducted under section -8.

(c) Notwithstanding section 604-17 to the contrary, while the court is sitting in any matter pursuant to this chapter, the court shall not be required to preserve the testimony or proceedings, except proceedings conducted pursuant to section -8 and proceedings in which the infraction is heard on the same date and time as any related criminal offense.

(d) The prosecuting attorney shall not participate in infraction proceedings conducted pursuant to this chapter, except proceedings pursuant to section -8 and proceedings in which a related criminal offense is scheduled for arraignment, hearing, or concurrent trial.

(e) Chapter 91 shall not apply in proceedings before the court pursuant to this chapter.

(f) Chapter 571 and the Hawaii family court rules shall not apply in any proceedings conducted pursuant to this chapter.

§ -10 Marijuana infraction. (a) A person commits a marijuana infraction if the person possesses three grams or less of marijuana.

(b) A person who commits a marijuana infraction shall pay a civil fine of \$200.

(c) As used in this section, "marijuana" shall have the same meaning as in section 712-1240.

§ -11 Applicability. Notwithstanding any other provision of law to the contrary, all marijuana infractions, including marijuana infractions committed by minors, shall be adjudicated pursuant to this chapter. No marijuana infraction under this chapter shall be classified as a criminal offense."

SECTION 3. House Bill No. 1383, H.D. 1, is amended by amending Section 3 to read as follows:

"SECTION 3. Chapter 712, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§712- Dismissal of pending charge of promoting a detrimental drug in the third degree. (1) Notwithstanding any other law to the

contrary, a person charged prior to the effective date of this Act for the possession of marijuana under section 712-1249 arising from a set of facts and circumstances that resulted in no other criminal charge may apply to the court where the charge is pending for an order dismissing the charge; provided that the amount of marijuana alleged to have been in the person's possession was three grams or less.

(2) A person shall not be eligible for an order dismissing a charge pursuant to this section unless the person pays a fine of \$200.

(3) The court shall grant an order dismissing the charge under subsection (1) upon a finding that the applicant is eligible for the order.

(4) In addition to the fine established under subsection (2), the court may establish a reasonable fee for an application under this section.

§712- Expungement of record of promoting a detrimental drug in the third degree. (1) Notwithstanding any other law to the contrary, a person convicted prior to the effective date of this Act for the possession of marijuana under section 712-1249 arising from a set of facts and circumstances that resulted in no other criminal charge may apply to the court of conviction for an expungement order pertaining to the conviction for the offense; provided that the amount of marijuana for which the person was convicted of possessing was three grams or less.

(2) The court shall grant an expungement order under subsection (1) upon a finding that the applicant is eligible for the expungement.

(3) The court may establish a reasonable fee for an application under this section."

SECTION 4. House Bill No. 1383, H.D. 1, is amended by deleting sections 4 through 16.

SECTION 5. House Bill No. 1383, H.D. 1, is amended by renumbering section 17 as section 4 and amending it to read as follows:

"SECTION 4. Section 712-1249, Hawaii Revised Statutes, is amended to read as follows:

"§712-1249 Promoting a detrimental drug in the third degree.

(1) A person commits the offense of promoting a detrimental drug in the third degree if the person knowingly possesses:

- (a) More than three grams of any marijuana; or [any]
- (b) Any Schedule V substance in any amount.

(2) Promoting a detrimental drug in the third degree is a petty misdemeanor."

SECTION 6. House Bill No. 1383, H.D. 1, is amended by deleting sections 18 through 25.

SECTION 7. House Bill No. 1383, H.D. 1, is amended inserting a new Section 5 to read as follows:

"SECTION 5. (a) There shall be established a marijuana evaluation task force to be administratively attached to the department of the attorney general. The marijuana evaluation task force shall examine other states' laws, penalties, and outcomes pertaining to marijuana use, other than marijuana use for medical purposes, and make recommendations on amending marijuana use penalties and outcomes in the State.

(b) The marijuana evaluation task force shall comprise the following members or their designees:

- (1) The chair of the senate standing committee on judiciary, who shall serve as a co-chair of the task force;
- (2) The chair of the house standing committee on judiciary, who shall serve as a co-chair of the task force;
- (3) The attorney general;
- (4) The state public defender; and
- (5) A prosecuting attorney to be selected by the co-chairs of the task force.

(c) The co-chairs of the task force may invite other interested parties to participate in the task force.

(d) The marijuana evaluation task force shall submit a report of its findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the 2021 regular session.

(e) The marijuana evaluation task force shall be dissolved on June 30, 2021."

SECTION 8. House Bill No. 1383, H.D. 1, is amended by renumbering Sections 26 and 27 as Sections 6 and 7, respectively.

SECTION 9. House Bill No. 1383, H.D. 1, is amended by renumbering section 28 as section 8 and amending it to read as follows:

"SECTION 8. This Act shall take effect on January 11, 2084."

Representative Lee moved that Floor Amendment No. 1 be adopted, seconded by Representative San Buenaventura.

Representative Lee rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support. The floor amendment before us today seeks to draw a clear line between what is dealing and what is possession. I think it's in our interest to make sure that we draw that line clearly at this point and encourage further discussion. And what the bill also does is add in a task force to look at what we do with additional penalties and how to make sure that we're capturing the right folks who are responsible for drug distribution, trafficking, dealing, and not put additional penalties and unnecessary handcuffs on those folks who are victims to that. I think that's something that we're trying to address with this floor amendment and the work that the potential task force would do going forward. Thank you."

Representative Har rose to speak in support of the proposed floor amendment with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. First of all, I want to thank the Chair of Judiciary for putting together this floor amendment. I appreciate the defective date, given the fact that this was a single referral bill. Now that said, and I do appreciate the explanation from the Chair of Judiciary, but that said, these are very substantive changes. And with all due respect, we were given this amendment approximately an hour ago, we haven't really had a chance to go through it. Moreover, because this bill was singly referred, there will never be another opportunity for any other testifier, any other agency, to opine on this House Draft 1. So, again, if this bill had the opportunity to go to another committee, we would have that opportunity.

"One of the things I'm so proud of this body, Mr. Speaker, is the fact that we espouse transparency. And I think with such substantive changes, we're actually flying in the face of that. So, for those reasons, I do support the floor amendment, but for procedural reasons, I'm with reservations. Thank you, Mr. Speaker."

Representative Say rose to speak in support of the proposed floor amendment with reservations, stating:

"Mr. Speaker, since this is a voice vote, may I request with reservations. Thank you."

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

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

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

The motion that Floor Amendment No. 1, amending H.B. No. 1383, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARIJUANA," be adopted, was put to vote by the Chair and carried, with Representatives Har, Okimoto, Say, Tokioka and Ward voting aye with reservations, and with Representative Cachola being excused.

At 10:17 o'clock a.m., the Chair noted that Floor Amendment No. 1 was adopted.

At this time, the Chair stated:

"Members, please note that there is 48-hour notice for this measure."

Representative Say rose, stating:

"Mr. Speaker, I believe there is a Floor Amendment No. 4 that is tied to 1383 also."

Speaker Saiki: "Please state the floor amendment number."

Representative Say: "Floor Amendment No. 4, relating to House Bill 1383, HD1, which we adopted the Floor Amendment No. 1. It's tied to the measure that was before us earlier, right?"

Speaker Saiki: "Okay, Floor Amendment No. 4 is out of order because House Bill 1383 is no longer before the body."

At 10:18 o'clock a.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 10:19 o'clock a.m.

Representative Say rose, stating:

"Mr. Speaker, I rise on a point of personal privilege for the members of this House and the people of the State of Hawaii. Mr. Speaker, I truly feel that I have been aggrieved by not having the House leadership share with me that Floor Amendment No. 4, which we discussed in caucus, is not before this body to be considered. And I would like to state for the record, I hope that the leadership understands that everyone here who has submitted a floor amendment, even though tied to the original measure, as far as 1383, should be given an opportunity to discuss this particular Floor Amendment No. 4. And that is why I'm rising on a point of personal privilege, that I have been aggrieved by this body, and I would like to say a few words in regards to Floor Amendment No. 4."

At 10:20 o'clock a.m., Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:22 o'clock a.m.

Representative Say rose, stating:

"Thank you very much for the privilege once more. And I just want to state for the record that even if I propose this floor amendment on Thursday, it is not going to meet the internal deadline of passing third reading going to the Senate. I just wanted to say a few words about small business as far as its impact of this particular measure. And I'll get the opportunity on Thursday?"

Speaker Saiki: "Yes, you can introduce it on Thursday."

Representative Say: "Yes, and then have the discussion. Thank you."

Speaker Saiki: "Okay members, we're back on page 18."

Representative Ward rose, stating:

"Mr. Speaker, point of information. For the other amendments, we will take them as they appear on the page, or are we going to go consecutively from amendment one to amendment two?"

Speaker Saiki: "We'll follow the Order of the Day."

Representative Ward: "Order of the Day. Thank you very much."

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1167) recommending that H.B. No. 200, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 200, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1168) recommending that H.B. No. 501, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 501, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1170) recommending that H.B. No. 89, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 89, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 the report of the Committee was adopted and H.B. No. 89, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 51 ayes, with Representative Okimoto voting aye with reservations.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1172) recommending that H.B. No. 1221, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1221, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1173) recommending that H.B. No. 854, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 854, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"With reservations. Individuals have varying concepts of food safety in relation to prepared food. While a food safety decision may be made in good faith, leaving this judgement to the food handler is a cause for concern. *Mahalo.*"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 854, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FOOD DONATION," passed Third Reading by a vote of 51 ayes, with Representative DeCoite voting aye with reservations.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1174) recommending that H.B. No. 762, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 762, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SINGLE-USE PLASTIC STRAWS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative McDermott voting no.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1175) recommending that H.B. No. 201, as amended in HD 1, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 201, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 the report of the Committee was adopted and H.B. No. 201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 51 ayes, with Representative Okimoto voting aye with reservations.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1177) recommending that H.B. No. 1165, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1165, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"In support with reservations and comments. I noticed that this is going to go to conference, and at conference I would request that there would be an amendment that these driver's license designations be for provisional, limited purpose, or restricted driver's licenses so that we do not affect our REAL ID driver's licenses. Thank you very much."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENDER IDENTIFICATION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Har and San Buenaventura voting aye with reservations, and with Representatives Matsumoto, McDermott, Okimoto and Ward voting no.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1178) recommending that H.B. No. 857, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 857, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1180) recommending that H.B. No. 808, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK AND RAY PROTECTION," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1182) recommending that H.B. No. 700, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 700, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS PRESCRIBING AND DISPENSING OF OPIOID ANTAGONIST," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1183) recommending that H.B. No. 393, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1184) recommending that H.B. No. 285, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Har, Kong, McDermott, Okimoto, Say and Tokioka voting no.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1185) recommending that H.B. No. 1192, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1192, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

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

Representative Kong 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. 1192, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," passed Third Reading by a vote of 51 ayes, with Representatives Kong, Okimoto and Ward voting aye with reservations.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1188) recommending that H.B. No. 931, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 931, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," passed Third Reading by a vote of 51 ayes.

Representatives Lee and Takumi, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1189) recommending that H.B. No. 704, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committees be adopted, and that H.B. No. 704, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 704, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COSMETICS," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Matsumoto, McDermott, Okimoto and Ward voting no.

Representatives Lee and Takumi, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1190) recommending that H.B. No. 664, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committees be adopted, and that H.B. No. 664, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, in opposition. Just some brief comments, Mr. Speaker. As I read this bill, I do not see where it remains silent, where a young person reaches out to their parents and says, I have unwanted attractions, can I get help, can I get professional counseling? And the bill is either silent or prevents that, the way I read it, and I could be wrong, so that young person voluntarily going to their parents and saying, I need help, where do they get that help? Can they get that help? And that's a question that seems unanswered to me in this measure. Thank you."

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

Representative Matsumoto 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 the report of the Committees was adopted and H.B. No. 664, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENDER IDENTITY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Matsumoto and Okimoto voting aye with reservations, and with Representatives McDermott and Ward voting no.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1193) recommending that H.B. No. 144, as amended in HD 1, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 144, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

"Mr. Speaker, in opposition, sir. I've worked in the coffee industry at Lion Coffee, Superior Coffee, Royal Kona Coffee, and this is a battle that goes on every year. And it appears that in order to call coffee a Kona blend, you're going to have to have 51% of the coffee be Kona coffee. The reason they don't use 51% now is because Kona coffee is just prohibitively expensive, it's \$12, \$14 a pound, I don't know, but it's very expensive. So, they blend it, and thereby blending it, they sell more coffee as a Kona blend. This is kind of a turf war which we're getting engaged in. And then we impose these labeling restrictions, which are meaningless when we import the coffee to or export it to California or Japan or other places like that because we can't compel them to follow our laws. So, for those reasons, I stand in opposition."

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

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

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

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

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

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

"With reservations. I'd like to note that because we can only pass statutes that affect within the state, so basically we are going to require our own state coffee manufacturers and producers to come up with a per gram and per region, and we can't affect those people who produce these things outside the state. So, for those reasons, I understand the need for it, but it's with strong reservations as to why we're doing this to our own people. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE LABELING," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives DeCoite, Har, Hashimoto, Holt, Kong, Matsumoto, McKelvey, Onishi, San Buenaventura and Tokioka voting aye with reservations, and with Representatives McDermott and Ward voting no.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1194) recommending that H.B. No. 760, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 760, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Ward 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. 760, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 51 ayes, with Representative Ward voting aye with reservations.

At 10:33 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 200, HD 2
 H.B. No. 501, HD 2
 H.B. No. 89, HD 2
 H.B. No. 1221, HD 2
 H.B. No. 854, HD 2
 H.B. No. 762, HD 2
 H.B. No. 201, HD 1
 H.B. No. 1165, HD 2
 H.B. No. 857, HD 2
 H.B. No. 808, HD 1
 H.B. No. 700, HD 2
 H.B. No. 393, HD 1
 H.B. No. 285, HD 1
 H.B. No. 1192, HD 2
 H.B. No. 931, HD 2
 H.B. No. 704, HD 2
 H.B. No. 664, HD 2
 H.B. No. 144, HD 1
 H.B. No. 760, HD 2

At 10:33 o'clock a.m., Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:34 o'clock a.m.

LATE INTRODUCTIONS

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

Representative Perruso introduced Kat Brady, coordinator, Community Alliance on Prisons; Gary Hooser, board president, Hawaii Alliance for Progressive Action; Jun Shin, Board of Directors, Young Progressives Demanding Action; and Donovan Cabebe of Kauai.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1203) recommending that H.B. No. 125, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1206) recommending that H.B. No. 1485, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1485, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

Representative Matsumoto 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 the report of the Committee was adopted and H.B. No. 1485, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Matsumoto and Okimoto voting aye with reservations, and with Representatives McDermott and Ward voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1210) recommending that H.B. No. 1143, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1143, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Okimoto's written remarks are as follows:

"Thank you, Mr. Speaker. In support with reservations for House Bill 1143, HD2. The subject of finding and incentivizing teachers for hard to staff locations merited a hearing before the Committee on Lower & Higher Education."

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

"Thank you, Mr. Speaker. Rising in opposition. Mr. Speaker, this measure creates a definition of classroom teacher in state law that conflicts with the definition of teacher contained in Section 302A-101 that could also be used to create unnecessary distinctions in the teaching profession that could have repercussions for collective bargaining. More importantly, while I applaud

this measure's attempt to increase pay for teachers at hard to fill schools, it does not provide a comprehensive solution for our state's teacher shortage crisis, which currently stands at more than a thousand vacancies. Our state continues to lose approximately 50% of its teacher workforce every 5 years. In fact, the number of teachers exiting the teaching profession in this state has increased by more than 80% since 2010.

"While teacher retention is a complex issue, one of the primary drivers of the state's chronic teacher shortage crisis is low salaries. So, numerous studies have indicated that our teacher salaries in Hawaii rank last in the nation when adjusted for cost of living. We need to invest in our state teacher workforce by creating a dedicated source of funding for public education, which will allow our state to increase salaries for all teachers. Until we do, our state's teacher shortage crisis will continue to worsen, and our children's future will continue to be placed at risk. Thank you."

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

"With reservations please, Mr. Speaker, in support of my colleague from Wahiawa."

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

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

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. First of all, my I please adopt the words of the Vice Chair of Higher Education into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Har continued, stating:

"I want to mirror her comments, but I think there is one additional thing. First and foremost, I want to thank the introducer of the bill. I have had a lot of experience in a former lifetime serving as the lieutenant governor's aide to the National Commission on Teaching & America's Future. At that time, I was privy to understanding the issues in the State of Hawaii regarding teacher quality, specifically with respect to the reasons why we had such difficulties in terms of attracting teachers into the Department of Education.

"So, I think that the intent is absolutely laudable. My concerns stem from chapter 89, collective bargaining. I think that when you do this, when you pass a measure such as this, it really takes away the rights from both the employee as well as the employer, and that is why we have chapter 89 in statute. So for those reasons, Mr. Speaker, and for the reasons stated by the Vice Chair of Higher Education, I respectfully am voting in opposition. Thank you."

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

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

"Mr. Speaker, may I ask to be recused from this, as my wife teaches at a hard to staff school."

The Chair addressed Representative Todd, stating:

"There is no conflict. It will remain in effect through session. It deals with the class of people, so there is no conflict."

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

Representative Tokioka rose in opposition to the measure and asked that the remarks of Representatives Har and Perruso be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1143, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHER SALARIES," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Kong, Matsumoto, Okimoto, San Buenaventura and Wildberger voting aye with reservations, and with Representatives Har, Perruso and Tokioka voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1213) recommending that H.B. No. 1503, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1503, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1220) recommending that H.B. No. 615, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 615, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1224) recommending that H.B. No. 1319, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1319, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. I am rising to speak against House Bill 1319. Thank you. Mr. Speaker, although the amount of money in the SPRB is blank, the original bill had \$700 million in that. This is for Hawaii Electric to be able to use for lower cost financing. The difficulty is, Hawaiian Electric hasn't shown us what they're planning to do with that money. The details are really very sparse. I think we should hold them to a higher standard.

"Particularly, Mr. Speaker, you remember, and I certainly remember, the years that Hawaiian Electric fought us when we tried to become a more renewable energy state and get the grid to be able to do that too. They, Hawaiian Electric, fought against the renewable companies, and this went on for decades. We've sort of rounded the corner, but they aren't telling us what they're planning to do with that.

"Just as kind of a bit of contrast and a little bit of humor, here is what we could do with \$700 million for renewable energy projects. We could buy and rent 20,000 Tesla Model 3s, we could cover 1,400 acres with solar panels, and we could follow the North Sea countries, Norway, Sweden and Scotland, and install enough wave power generation to bring electricity prices down to 4 cents a kilowatt hour from where it is today.

"So, I just think that Hawaiian Electric didn't do its disclosure work, and I don't like to have them take a disproportionate amount of this SPRB money for projects that are undisclosed. So, I'm a no. Thank you."

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

"Mr. Speaker, ruling on potential conflict of interest. I have Hawaiian Electric stocks."

The Chair addressed Representative Onishi, stating:

"There's no conflict. It will apply for the remainder of session."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1319, HD 2, entitled: "A BILL FOR

AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ELECTRIC PUBLIC UTILITIES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1226) recommending that H.B. No. 821, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 821, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Okimoto voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1227) recommending that H.B. No. 897, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 897, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1228) recommending that H.B. No. 356, as amended in HD 1, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 356, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

"Thank you, Mr. Speaker. In support with reservations and just a brief comment, Mr. Speaker. I support this bill, but my only concern is that the current House draft does not take into account any negative changes to the consumer price index, and so for that reason, I'm voting with reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 356, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE STATE," passed Third Reading by a vote of 51 ayes, with Representatives Har and Okimoto voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1229) recommending that H.B. No. 748, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 748, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY FORFEITURE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1232) recommending that H.B. No. 1382, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1382, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Nakamura rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakamura's written remarks are as follows:

"With reservations. HB 1382 prohibits campaign fundraising on the property of a person that has entered into a contract with the State. In the district I represent, there are many neighborhoods and communities without a neighborhood or community center or gathering place. Nonprofit organizations and the County of Kauai have been recipients of state funds for such facilities and park amenities. Some of these facilities and parks are in rural areas where a state grant-in-aid was awarded prior to my service at the State Legislature to address the need for community meeting facilities.

"I believe, as written, the bill is overly restrictive and would prevent me from having a fundraiser at any county facility or park, a remote north shore community meeting facility, and centrally located facility with the capacity to hold a large event. I would like to have the opportunity to pay to use these public and private facilities as any other member of the public."

Representative San Buenaventura 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 the report of the Committee was adopted and H.B. No. 1382, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Third Reading by a vote of 51 ayes, with Representatives Nakamura and San Buenaventura voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1234) recommending that H.B. No. 1490, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1490, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1235) recommending that H.B. No. 419, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 419, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1237) recommending that H.B. No. 548, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 548, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1241) recommending that H.B. No. 158, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR LAW COMPLIANCE FOR GOVERNMENT CONTRACTS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1242) recommending that H.B. No. 1358, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICARE PART B," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1243) recommending that H.B. No. 1497, HD 2, as amended in HD 3, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1497, HD 3 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, I'm rising in opposition. I'm rising in opposition because while Hawaii has an appetite for entertainment experiences, I don't think that public funding of these experiences should come at the expense of public services. The most recent draft of this measure would provide \$350 million in bond revenue to build a new stadium and related development district. That's enough to build three to five entirely new schools or take care of 40% of the DOE's backlog in repair and maintenance. So, we have a legal obligation to build and maintain our public schools, and we have no legal obligation to provide massive public entertainment venues. Thank you."

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

"Mr. Speaker, I stand in support. I think this is a great idea, long overdue. Particularly, if you've ever been in the men's restroom at the stadium, you'll know what I'm talking about. It's long overdue, Mr. Speaker. And we spend so much on repair and maintenance each year, it's become a black hole and it's just not a fixture to attract big time events from the mainland.

"I'm very proud that the majority has taken this on knowing that you're going to get flak for it, but it's something that needed to be done, it has to be done, and I have been advocating it for years, myself. I just think it's just a great opportunity and we're going to bring in more acts and I'm excited by the proposal I've seen laid out, you try to maximize the use of land with some housing and shopping and all these things.

"So, I want to salute my colleague, whose area I used to represent years ago, and the Senate for working together on this. And I just think, you know, we hammer you guys, the minority hammered you when we think you deserve it, and in this case I think you deserve some kudos, so, well done, sir."

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

"Thank you, in support. I just want to point out that, according to the Stadium Authority's most recent projections, Aloha Stadium is already going to require at least \$30 million over the next two years just for, in public money, for maintenance. And the new stadium, in theory at least, should be more cost effective and be a better use of public resources. In addition to that, I know that a new stadium, if it's going through HCDA, will have an opportunity for more public-private partnerships and have an opportunity to shift some of that tax burden away from the public and more towards private sector. Thank you."

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

"Mr. Speaker, strong support for the concept, weak support, if not no, for the funding. Therefore probably, what, with reservations. We need a stadium. We are, we can be the sports center of the Pacific. This has got a lot of potential and we need a new stadium. But the way we're funding it, I totally agree with the gentlelady from Wahiawa. We have \$300 million we're throwing out the window.

"All of you watched, well let's say, most of you watch the Pro Bowl. When you saw the helicopters zeroing in on the arena, what did you see? You saw the Mercedes emblem, \$328 million worth for 30 years. Why are we not even asking, Mr. Speaker, for the private sector to chip in? Name it, whatever they, well, whatever is reasonable that they want.

"I cannot understand why we're waiting for government to pay for everything. As I said two days ago, the future of government is going to be

public and private sector. This is a great opportunity to get somebody's name all over that new stadium, which we do need. But to fund it by these GO bonds, I think is, can I say stupid, Mr. Speaker, or is that going to malign somebody?"

Speaker Saiki: "Please find a synonym."

Representative Ward: "I'll say it's foolhardy, penny wise and pound foolish when we put GO bonds where we could put private sector funds. For those reasons, Mr. Speaker, with reservations. But I hate the funding mechanism. Thank you."

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

"Strong support, Mr. Speaker. We're not going to get anywhere close to \$350 million dollars upfront no matter how much of the naming rights or building or the stadium we sell. So, I'm fine with the funding method, and I think it's time, and I want to thank the introducer. Thank you."

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

"Mr. Speaker, in strong support. I just wanted to point out that the investment that we will make on this, this is one of the biggest economic drivers and economic opportunity bills that we have this session. The amount that we are investing on this will, as the former Representative from that area pointed out, this is going to have huge economic opportunities and development to really look at the next set of development.

"We cannot continue to develop Kakaako, Mr. Speaker, as you know, we cannot continue to have more and more vertical approaches. We need to look at the next community that needs economic opportunities and development. And this area, the Aiea-Salt Lake area, a lot of times has been the area that a lot of the things that people, communities don't want including public housing, other type of, you know, it's neighboring the jails and everything that happens in that area. We need to support that community, and this is going to have huge economic opportunities.

"The other thing I wanted to point out is that the funding mechanism allows for \$50 million of front cash, and that's to allow HCDA in conjunction with the Stadium Authority to start looking at the infrastructure. There is, I can tell you, there is no developer who is going to want to take on the responsibility of building out the infrastructure. And so what this is doing is it's providing \$50 million to complete the EIS and other foundational work and it allows for \$150 million in GO. And that is the capital improvement bonding that the State is investing for the infrastructure, which is the sewer compacity, the water compacity, and other things that generally a lot of even the naming rights or the investors or other entities will not invest in, that's the expectation of the State, and that's why Kakaako has been so successful, because the State put in all that infrastructure work.

"And the missing piece that the Minority Leader pointed out is actually in this bill. That's why this bill allows for \$150 million in revenue bonds. The revenue bonds is the maximum commercial opportunity for the stadium, because the revenue bond is giving the directive to the Stadium Authority and HCDA to look at commercial activity, to look at public-private partnership, to look at other type of sources so that we are sending a message to the stadium that the State will not pay for the entire thing. We will invest the \$150, but the additional \$150 will come from private sources, and that's how they're going to build out the stadium. So, thank you very much."

Representative McDermott rose to respond, stating:

"Mr. Speaker, second time, still in support. What some folks fail to realize is that it's almost impossible to get a large sponsor like TD Ameritrade or Wells Fargo when you don't have a professional sports team anchoring that facility. We do not have a professional sports team. Therefore, it falls upon us to provide the facilities for the entire state. UH is our professional team, okay, if you will.

"So, we will get investments, but they will be smaller in scale because you don't have the repetitive nature of your name being mentioned over and over for like 42 NBA home games. Wells Fargo where the sixers play, that gets

mentioned 42 times on national television or local television. So, we don't have a professional team anchoring the stadium, so that we're not going to get \$100 million naming. That's just not going to happen. So, we have to be creative, and I think they have done a good job of figuring out ways to do that. Thank you, sir."

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

"In support. And I'd like to point out that it was embarrassing that in December 2015, that the US Women's Soccer cancelled an international tournament because our stadium was not up to snuff. So, I'm hoping that these kinds of international embarrassments will not occur. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, with reservations, mini rebuttal, if I may. I'm very pleased to hear that there is \$150 million suggested, projected for commercial utilization. However, that's probably rental space and other kinds of concessions which we have at the airport. It's very lucrative, it's good. Naming rights may be in the fine print without ink that's visible. But I would say if we can do a committee report that says naming rights that are naming rights. And to my good friend from the North Shore, the art of the deal is if you want \$100 million, you ask for \$300 million. As for my colleague from Ewa Beach, if you don't ask, you don't get, and we don't have a team, but we have 10 million tourists who can participate in what otherwise are international sports. For those reasons, Mr. Speaker, I still have reservations, seriously, about the way it's funded. Thank you."

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

"Thank you, Mr. Speaker, and thank you for the opportunity to speak on House Bill 1497, Standing Committee Report 1243. In support. I appreciate all the comments made by our fellow colleagues, so I won't belabor the point, but I think the one thing that hasn't been mentioned that also bears worth noting is, and the Chair of Finance alluded to this, in addition to the incredible amount of state infrastructure that this region hosts, which includes two freeways that most people drive through our districts on, the airport, the stadium, Halawa, the prison, soon to be the new jail if it gets built in Halawa, as well as the harbors, it's a burden that many of the people in the sort of Kalihi to Aiea corridor accept and, I think, do a great job of understanding their role in playing a part of the bigger whole."

"But what also doesn't get enough attention, Mr. Speaker, and, I think one of the catalysts for this bill, is the region also hosts one of the number one tourist attractions in the State of Hawaii, which is Pearl Harbor. It will soon be a major rail stop. And one of the things that I think this body is trying to do and be a little bit more creative on behalf of the taxpayer for, is to look at how we leverage and maximize much of the public expenditure that we are doing. To be faithful, not just to one project."

"So, this is about a stadium, but it's also about the 98-parcel property that surrounds it. And it's also about the ancillary areas that are on the immediate periphery that have so much potential but are sort of disjointed and not connected and often, because of that, really lacks being fully maximized. And I think we owe it to the taxpayer to continue to explore how do we, in a responsible way, really leverage the sacrifice that we're asking them to make. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1497, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting aye with reservations, and with Representative Perruso voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1247) recommending that H.B. No. 942, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 942, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, I'm rising in support, but I do have a little bit of reservations on this. Thank you. Mr. Speaker, I really applaud the Finance Committee chair and members for now taking the settlement money out of the respective department budgets. I think that's the best way to send that message back to those departments. Your budget will be docked if you don't take care of matters in a way that you don't end up being sued."

"My one concern is, I don't feel that we would have had to pay the Aloha Pregnancy Care and Counseling Center funding or settlement if we had changed the language of the law from the imperative to the indicative. And I'll just reference the remarks in the House Journal on the 47th Day in 2017, page 507. So sometimes a grammar lesson can save us a lot of money. In this case, unfortunately, we left the language mandatory, and that's what the courts struck. Thank you."

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

"Thank you, Mr. Speaker. In support with reservations. As you know, this is our annual claims against the state bill, and as a general rule I vote no for principle reasons. But this year I am voting with reservations and in support, because I am going to support actually the previously speaker's, the settlement, the \$60,000 that is awarded pursuant to House Bill 942, House Draft 2. That said, first and foremost, Mr. Speaker, may I adopt the words of the previous speaker from Kailua into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Har continued, stating:

"And again, I think it behooves us. We knew that this bill was unconstitutional on its face. We were warned by many of the testifiers. And in fact there was a similar case that was in Arizona, I believe, that really set the precedent with respect to the constitutionality of this bill, yet we proceeded."

"You know, I pride myself on the fact that I think that this body, we really are judicious with our taxpayer dollars. And so, this really is quite frankly a waste of \$60,000, and while \$60,000 in the big scheme of things may not seem like a lot of money, to the average taxpayer, it's a lot of money."

"And so, this is something we need to be prudent, it behooves us. If we know that a bill is unconstitutional on its face, let's be careful with these types of things. When we move forward, let's be judicious, let's think about the taxpayer's dollars that will be funding the settlement now. For those reasons, I stand in support with reservations. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. Mr. Speaker, I think we're all on the same wavelength. I call it a teachable moment, I call it a lesson learned. Also, maybe for those who are freshmen, your votes cost money. If we would have heeded the fact that you can't say in a pregnancy counselling center that, hey, you can get an abortion down the street. The votes that took place here have cost us \$60,000. I think that's a teachable moment, and when we do vote and there are going to be very marginally constitutional, I think we end up paying as we have today. So, Mr. Speaker, this is a teachable moment. It's one that if we monetized or made metrics of our votes, we would probably be a bit more circumspect. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 942, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 50 ayes to 1 no, with Representatives Har and Thielen voting aye with reservations, and with Representative McKelvey voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1248) recommending that H.B. No. 773, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 773, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. In support with reservations. I support the intent of the bill, I think it's so important to support our film industry, our creative industry. I was a graduate of the Academy for Creative Media at the University of Hawaii, and so I understand a lot what the film industry needs. I mean, just last year they had \$477 million in direct production expenditures, and that translated into more than \$800 million in overall economic activity for the State.

"However, with this bill, I don't think it's time to restructure and reorganize our film office. It could be extremely time consuming and potentially divert all the efforts and the good work that they're doing right now. Thank you."

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

"In support. And it's the auditor's report as to why this is very necessary. And if we want to create more actual opportunity from productions coming to Hawaii, we need to link the workforce that we're investing into to the actual production office that's giving out credits to these companies. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 773, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Third Reading by a vote of 51 ayes, with Representative Matsumoto voting aye with reservations.

At 11:03 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 125, HD 1
 H.B. No. 1485, HD 2
 H.B. No. 1143, HD 2
 H.B. No. 1503, HD 2
 H.B. No. 615, HD 3
 H.B. No. 1319, HD 2
 H.B. No. 821, HD 2
 H.B. No. 897, HD 2
 H.B. No. 356, HD 1
 H.B. No. 748, HD 2
 H.B. No. 1382, HD 2
 H.B. No. 1490, HD 2
 H.B. No. 419, HD 2
 H.B. No. 548, HD 2
 H.B. No. 158, HD 1
 H.B. No. 1358, HD 1
 H.B. No. 1497, HD 3
 H.B. No. 942, HD 2
 H.B. No. 773, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1249) recommending that H.B. No. 622, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 622, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

Representative Matayoshi's written remarks are as follows:

"I am voting with reservations on HB 622, HD1, I would like that my concerns be noted in the Journal as follows.

"While I understand the desire for greater accountability, implementing a purchase order system will impair charter schools' ability to easily and quickly access their funds. Instead, individual charter schools should maintain individual accounts which they can use to access charter school funds. This would allow for oversight and accountability without further burdening our underfunded charter schools.

"As to the proposed audits, I am against putting more financial strains on all charter schools in Hawaii when the Charter School Commission has already identified the four to five charter schools that need independent oversight. The Charter School Commission is appointed by the Board of Directors at the DOE and are put in place to maintain the rules and standards of education across all charter schools in the state. Given the Charter School Commission's previous identification of the schools that need this added oversight, it would be wise to target just the charter schools that need it, as opposed to a blanket approach in legislation."

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

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

"Thank you, Mr. Speaker. In support with reservations, brief comment. Mr. Speaker, while I believe this is a really good bill pertaining to charter schools, I believe those schools that are in compliance are subjected to the purchase order system that could really affect them in those areas with limited resources. Deviating from the purchase order could really affect these schools in having supplies in a timely manner or having supplies being distributed to the island. So, thank you, Mr. Speaker."

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

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

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

"Mr. Speaker, in support, please. Thank you, Mr. Speaker. I appreciate the previous comments. This proposal seeks to actually incorporate a purchase order system which is similar to what is already required in the rest of our governmental agencies. And as the proposal moves forward, we will be looking at only applying this to those institutions that are under federal investigation. But for now, I request favorable consideration for the proposal. Thank you."

Representative Har 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 the report of the Committee was adopted and H.B. No. 622, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives DeCoite, Har, Matayoshi, Okimoto, San Buenaventura and Tarnas voting aye with reservations, with Representatives McDermott and Ward voting no, and with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1250) recommending that H.B. No. 172, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 172, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1251) recommending that H.B. No. 402, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 402, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. In strong support. First, I'd like to thank the chair of the Water, Land, & Hawaiian Affairs Committee as well as the chair of the Finance Committee for all the hard work done on this very important issue.

"Mr. Speaker, as the introducer of this bill, I may have made a mistake as the title should have been 'relating to the betterment of the conditions of Native Hawaiians,' because that's what this bill here is about.

"To give some history on this issue, I'd like to read a few passages from Attorney General Opinion 03-04, which is in response to questions from Senator Les Ihara and former Representative Ezra Kanoho regarding ceded land payments. This is from the opinion. Section 5(f) of the Admission Act of 1959 makes an undifferentiated interest in the income and proceeds from the ceded lands available to Native Hawaiians, but leaves it to the State's Constitution and statutes to detail how this objective is accomplished. The State Constitution expressly makes Native Hawaiians the beneficiaries of the section 5(f) trust lands, and directs the Legislature to quantify the extent of Native Hawaiians' interest in ceded land receipts.

"The Legislature has responded to the Constitution's direction in HRS section 10-13.5 and specified that 20% of all funds derived from the public land trust, described in section 10-3, shall be expended by OHA for the purposes of this chapter.

"Further on in opinion, the delegates to the 1978 Constitutional Convention added article XII, sections 4, 5, and 6 to the State Constitution to provide further details on how the ceded land receipts were to be used to accomplish section 5(f)'s purposes. Section 6 sets out the powers of OHA's trustees, and implicitly directs the Legislature to quantify the extent of the Native Hawaiians' share of ceded land receipts.

"Mr. Speaker, by recent accounting, 20% of ceded land revenues amounts to about \$35 million a year. The current amount transferred to OHA is \$15 million as set by the Legislature in 2006. Imagine what an additional \$20 million could do for the betterment of the conditions of Native Hawaiians. Colleagues, we are here 13 years later with a chance to update this amount as only we can, as prescribed by the Constitution. Thank you, Mr. Speaker."

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

"Mr. Speaker, strong support. Request for, let me put it this way, the gentleman who just spoke, his remarks including mine for the Journal please," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1252) recommending that H.B. No. 1326, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1326, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Ruling on a potential conflict. The law firm I'm employed at represents one of the parties involved in these water matters."

The Chair addressed Representative Matayoshi, stating:

"You'll be recused from voting on this measure under these limited circumstances."

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in strong opposition to this bill and I would like my remarks primarily to be placed into the Journal, but I do have a few words I just wanted to lead off with. This bill purposes to extend by another seven years the sunset date of Act 126. And it will essentially allow large corporations to further abuse the system of revocable water permits and, in the process, further bleed our streams and rivers dry.

"And the rest of my remarks I would like to go into the Journal, but I would strongly urge members to rethink their vote, if they're vote is in favor or in favor with reservations, and to stop extending this deadline and in favor of the large corporations. I think the bill is bad policy and should not move forward. Thank you."

Representative Thielen's written remarks are as follows:

"In 2016, HB 2501 barely squeezed through this body and was signed into law as Act 126, which allowed consecutive one-year holdovers of revocable water permits.

"The purported intent of the law was to allow the small guys, our family farms and cultural practitioners, to have access to water while waiting on an application for the disposition of water rights to be resolved.

"This was a valiant aim: environmental assessments are often costly, outpacing the financial capacity of most family-run businesses.

"Unfortunately, in the process this body used a chainsaw when we should have used a scalpel.

"Companies like Alexander and Baldwin on Maui and Kauai Island Utility Cooperative's hydropower plant are using the one-year holdovers as a way to escape their responsibility to the public trust.

"Instead of complying with the required environmental studies and finding out just what kind of impact they're having on one of our state's most precious public resources, they're using the one-year holdovers to divert almost endless amounts of water scot-free.

"Diversion are drying out downstream farms, desiccating kalo farms, and reducing the vital replenishment of aquifers.

"We need to create a permanent fix to this system so that our small farmers have access to the resources they need to survive. But this bill is not the fix. Why should we allow another seven years of holdover permits?

"Alexander & Baldwin has failed to fulfill a 15-year-old court order to conduct an environmental assessment for its diversion of over 100 East Maui streams and tributaries.

"Since the passage of Act 126, there has been no visible progress on the completion of environmental assessments or environmental impact statements.

"The environmental destruction being done by these big corporations is too large to excuse for the sake of protecting 'the little guy.'

"We must fulfill our Constitutional duty to safeguard our state's water resources for the benefit of small farmers and cultural practitioners, and ensure these resources are available for future generations.

"Because this once again will end up working to the benefit of negligent corporations to the detriment of the rest of our state, I stand in strong opposition.

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, this particular bill will affect ranchers and farmers in my district who are currently on month to month permits. The Department of Land and Natural Resources was supposed to be vetting this process in order to evaluate and provide them with access to water. It has taken longer than expected, and this extension is necessary in order to continue the operations of small farms in my district, coffee farmers, not large corporations, a ranch that does ranching in the Kau district. So, I'm in support of this bill. Thank you."

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

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

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

"Rising in opposition. Alexander & Baldwin is currently diverting water from over 100 East Maui streams and tributaries on 17,000 acres of public watershed lands despite a 15-year-old court order compelling A&B to conduct an environmental assessment. In 2016, this Legislature passed Act 126, allowing holdovers of A&B's revocable permits on Maui to continue without satisfying the environmental review requirement that had been mandated in court. Yet Act 126 also stated that upon sunset, any holdover granted should be consistent with the public trust.

"Since 2016, A&B has not completed an environmental assessment or environmental impact statement for its water diversion practices, which undermine Native Hawaiian traditional and customary practices and the sustainability of coastal ecosystems. There is no indication that A&B's private watershed lands and wells are insufficient for its projected water needs and agricultural plans.

"Moreover, this plan is not constrained to Maui. On Kauai, the Kauai Island Utility Corporation has been diverting nearly all of the baseflow of Waialeale stream for over 15 years without justifying its actions or assessing the environmental and cultural impacts of this diversion.

"Today, temporary permits are being used to abuse the public trust and weaken accountability for failures to perform mandatory environmental and cultural reviews.

"We spend a significant amount of energy in this body and in this building talking about holding state agencies accountable and compelling them to be transparent in their work for the public good. I think that we should start spending more energy holding developers and large corporations accountable for their use of public resources. As we've heard in our islands and across our nation, water is life. We should preserve our water supply for future generations rather than encouraging the further colonization of our 'āina by real estate corporations for whom the land is and always has been merely a source of profit."

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

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

"Thank you, Mr. Speaker. I stand in opposition to HB 1326. Because corporate interests of A&B and KIUC could have been pulled out of this bill and small farmers would not be pawns in what constitutes normalizing water theft, because I feel this body is abdicating its *kuleana* to uphold our public trust doctrine, because this flies in the face of our State Constitution, because this is a corporate giveaway of a public resource, because my community supports my message that the era of puritanical plantation patriarchy is over

or at least it should be, I ask my colleagues to join me in voting no on this business as usual bill. *E ola i ka wai*. Water is life. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm just confirming that my excusal from the second reading applies to third reading."

The Chair addressed Representative Nakamura, stating:

"Yes, it applies here."

Representative DeCoite rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"In opposition. I am opposed to this bill because the historic diversion of free-flowing streams in East Maui caused devastating impacts to stream ecosystems, fisheries, cultural traditions, and subsistence communities. The Board of Land and Natural Resources has failed to comply with state laws regarding environmental impact statements, despite a 2003 court ruling that requires an environmental assessment to be performed before any water use permits are issued. The board has failed to limit diversions from public lands, failed to require measurements of the quantity of water taken from each stream, failed to protect aquatic life, and failed to enforce permit conditions. We cannot continue issuing holdover water permits forever. We need to stop and correct this situation. I am a farmer and a strong supporter of agriculture throughout Hawaii, however, we must be responsible stewards of our precious water resources. The bill before us today does not reflect the responsible stewardship we need. *Mahalo*."

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

"Thank you, Mr. Speaker. In strong support. I wasn't going to stand up and say anything, but two previous speakers talked about Kauai Island Utility Corporation. And so, I just want to share with the members that, being from Kauai, Kauai Island Utility has been a leader in sustainable energy throughout the state. In fact, many of you who sit on the Energy & Environmental Protection Committee praise the efforts of Kauai Island Utility, and I do as well.

"This year they're at 65% renewable energy and by 2030 their plan is to be at 100% renewable energy. Part of this permit will allow them to get a permit that would allow them to put in to more sustainable energy through another hydro plant. They have two, there are partnerships with two current hydro plants, one in Wainiha and one in Koloa. So, if you just look at the results of KIUC and I think some of them talked about a corporation, this corporation is managed by the people and for the people. I don't know of any other utility company in the State of Hawaii that can elect people through the election process to put them on the board of KIUC and oversee them, and if they don't like them, they can vote them out.

"So, I praise what they're doing, and I ask for the support of the members on this bill. And I also thank the chairs of Water, Land and Finance for moving this bill to help Kauai Island Utility. Thank you very much, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. With reservations and short comments. I am fully aware of the need to monitor and not to just give a blanket renewal each time. However, as the speaker from Kauai noted, as far as hydroelectric plants they do not remove water, they divert, and if we are going for 100% renewable energy, we should really try to foster that kind of wise energy usage.

"And the second thing is, if we don't allow, I would request really an amendment to this as we move forward to require goals as to determine how far they are in the EIS process. Because I can see the need for an EIS and, you know, the law requires it, and the fact that we are allowing them without the EIS process, that's reason I'm standing with reservations. But if we don't allow this, I am concerned that we are further increasing the concreteness of Hawaii. And for those reasons, support with reservations."

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

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

"Mr. Speaker, I wasn't planning to stand up, but I'm standing in opposition because the reasons why I can't support this measure are my own and that of my constituents. Thank you."

Representative Matsumoto 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 the report of the Committee was adopted and H.B. No. 1326, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER RIGHTS," passed Third Reading by a vote of 39 ayes to 9 noes, with Representatives Har, Lowen, Matsumoto, San Buenaventura and Ward voting aye with reservations, with Representatives DeCoite, Eli, Gates, Kitagawa, D. Kobayashi, McKelvey, Perruso, Thielen and Wildberger voting no, and with Representatives Ichiyama, Matayoshi and Nakamura being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1255) recommending that H.B. No. 601, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM REGISTRATION FEES," passed Third Reading by a vote of 50 ayes, with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1257) recommending that H.B. No. 993, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 993, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Third Reading by a vote of 50 ayes, with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1266) recommending that H.B. No. 1124, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1124, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 the report of the Committee was adopted and H.B. No. 1124, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Okimoto voting aye with reservations, and with Representative Ichiyama being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1284) recommending that H.B. No. 893, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 893, HD 2 pass Third Reading, seconded by Representative Morikawa.

At this time, Representative Ward offered Floor Amendment No. 2, amending H.B. No. 893, HD 2, as follows:

SECTION 1. House Bill No. 893, H.D. 2, is amended as follows:

1. In section 3 of the bill, by replacing the amounts for general funds for Administration and Operating Support (HHL 625) to \$28,000,000 for FY2019 and \$28,000,000 for FY2020.

Representative Ward moved that Floor Amendment No. 2 be adopted, seconded by Representative McDermott.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I was going to start out with a ruling on a potential conflict, but as I thought through it, it's probably not appropriate, maybe I should just do a disclosure. Because a lot of people say, Ward, why are you doing this for DHHL, what's with your motivation? And I say, well I don't have a lot of Hawaiians in my community, I'm not running for higher office, but I'm an old Peace Corps volunteer who quotes Jack Kennedy a lot because of what we were doing in the villages of the world, saying we're not there to win friends for the Russians or win friends for the Americans, we're there because it's right.

"So, Mr. Speaker, this amendment is the right thing to do because what it does is three things. Number one, it restores the Governor's funding into the budget. The Governor's funding was \$25 million. But it also goes one step beyond and then gives the Castagnetti decision, which said, by according to the Constitution, there should be \$28-plus million for the Department of Hawaiian Home Lands just to keep their lights on and hire their employees. But thirdly and most importantly, Mr. Speaker, why I'm doing this, not only because it's right, it restores the dignity and gives hope for what otherwise, the Hawaiians for 100 years have waited for the 200, 300,000 acres that were given for what is now a 27,000-person waitlist with only 9,700 houses.

"Mr. Speaker, this body belies the fact that there are 7,000 homeless people we've got to help. Well, the Hawaiians have waited for 100 years to implement this act. And the audacity to zero out its budget to \$1,750,000 general funds, A funds, is unbelievable.

"Now, I know somebody is going to say, well look, there's a defective date, so it's still under discussion. But Mr. Speaker, it's a damning with faint praise if that's the reason why we would zero out the Hawaiian's budget.

"When there is money in the budget, it's never what the Castagnetti decision says. And when there's an ask for building more houses, generally they get 10 cents on the dollar. I said earlier, if you want \$100 million, you've got to ask for \$200 or \$300 million. Whereas here they usually ask for \$100 million to build houses and we give them \$10 million. In this case, we haven't given them anything, we've got federal funds and trust funds only.

"So, Mr. Speaker, where's justice, where's fairness, where's 100 years of playing around with the Hawaiians? And you know I've stood here for 10 different sessions and I've heard a lot of pabulum given to the Hawaiian community when it comes to their issues. The young gentleman earlier mentioned some of the things that were not fair and just regarding the ceded lands. Well, Mr. Speaker, this has been on the books for 100 years and we're still not resolving it. And because of those reasons, an amendment is very much in order, and for those reasons I so move. Thank you."

Representative Luke rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition to the floor amendment. First of all, I wanted to correct some of the things on the record. The Governor's budget did not include \$25 million, the Governor's budget included no additional funds than what's included in the base, which is \$9 million. So,

that's number one. The second thing is that the Castagnetti decision has been overturned by the Supreme Court. So, as a responsible body, we cannot pick and choose which decision we want, we need to comply by the last decision, which is the Supreme Court's decision, which overruled the \$28 million, and the Supreme Court determined that it is up to the Legislature to set that amount.

"The third thing is, the amount that was provided to DHHL for the operation of DHHL for the budget, for the department of DHHL, both the Governor and the Legislature determined that it was about \$9 million. Out of the \$9 million, DHHL continued to struggle with fully spending that amount. The Legislature, because we wanted to give a lot of room for the department, has not been taking the same approach with this department as the other departments in taking back a lot of the vacant positions. The approach that the Finance Committee and this Legislature has done in looking forward towards transparent and responsible governing is to be very strict on taking back vacant positions that have been vacant for a long time. With DHHL, because we understand the situation that they are in, we have been very judicious and generous in leaving a lot of the vacant positions. In spite of that, they continue to struggle with a lot of vacancies and they cannot spend down the \$9 million.

"What we forget and what the Minority Leader forgets to mention, is that in addition to the \$9 million appropriated for the operation, the Supreme Court struck down the constitutional requirement for the Legislature to fund lot improvement or other capital improvement projects. In spite of that, in spite of the fact that the Supreme Court said there is no obligation by the Legislature to provide these funding to Department of Hawaiian Home Lands, the Legislature continues to fund, thanks to the CIP Chair and thanks to this body, actually, to provide about \$20 million or more in other expenses.

"So, including the CIP funding that we continue to provide, in spite of the fact that there is no obligation placed upon this body to provide CIP funding. Included in that is grants in aid, thanks to the prior chairs of grants in aid, including the Representative from Kona and the Vice Chair of Finance. They provided millions of dollars in grant services to homestead association and other beneficiaries of DHHL that are not provided by the DHHL budget.

"So, when we look at the DHHL budget we cannot just look at staffing. The staffing itself is not going to help place these individuals who are on the wait list on land. What we need to look at is staffing, and adequate staffing, which right now they are still having a difficult time because they cannot even find enough employees to fill even positions for \$9 million. But we need to look at lot development, we need to look at other things. And what we have failed to hear is, a lot of times the Department of Hawaiian Home Lands, when you look at the land that they have been given by the Federal Government, they are sitting on lands that don't have infrastructure, don't have substantial sewer and water capacity.

"So, what we, as a responsible body, need to look at it is, hey you know, why should Native Hawaiians be only limited in living on those lands that they're given. We should be looking at things in other areas, including Hawaii Kai, East Honolulu, other areas that have the infrastructure. And so that's the failure of this body, that we don't voluntarily give up land within our districts to help elevate the Hawaiian people. So, thank you very much."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Still in support of the amendment and I thank the good Chair of Finance. And Mr. Speaker, who am I to challenge and debate the Chair of Finance. Well, it's not about me, it's not about her, it's about this body and its fiduciary responsibility of 1921 with the U.S. Congress in 1959 when we became a state and assume the responsibility of the Hawaiian Homes Act of 1921. It's the law, Mr. Speaker.

"Now, one by one in what the good Chair said. Unless my staff was delusional last night, it is in the Governor's budget, and there's \$25 million. Secondly, the cost of the Castagnetti decision. The Castagnetti decision said \$28 million. If you understand the history of the Castagnetti decision, it was Nelson, Nelson a poor homesteader, who was so frustrated, like maybe I'm expressing today, with, why don't you guys give us some money to build the houses? One hundred years, 9,700 houses. Why don't you guys give us the

money? He took the State to court, won over a five-year period, probably five victories. But, Mr. Speaker, he's a homesteader, these are the people who should be pushing that for the funding of it. That's what the purpose of the amendment is.

"Granted, DHHL has vacancies, it has flaws. But Mr. Speaker, when you need money to build infrastructure, to build houses, all of the good Chair of Finance's excuses are just that. She did it in an excellent way, but it explains away our job. Our job, particularly before we see the census, where it says hey there's no more Hawaiians eligible, it's 50% blood quantum. Are we going to wait till then? That's ok, say, oh well, yeah, we can't give you money because there's not enough eligible Hawaiians. Well, the way that marriage and the way that the homestead demography is going, Mr. Speaker, there will not be Hawaiians eligible, and we've only got 9,700 homesteads, 203,000 acres. Bishop Estate only has 365,000 acres. This is a land rich department, but it's cash poor. And its cash poor because of this body and the Senate."

Representative Say rose to yield his time, and the Chair "so ordered."

Representative Ward continued, stating:

"Thank you, Speaker Emeritus. Cash poor, land rich. I would wish that the Chair of Finance's good wish to put Hawaiians in Hawaii Kai could come true. If there was the money to put in to do it. Because they should be buying more land. Prince Kuhio said there should be an independent self-sufficient Hawaiian community in the State of Hawaii. Independent and self-sufficient. Now it's a dependency, with people begging, give us the money that the Congress said should be the case, give us the money that the State agreed to in 1959.

"So, Mr. Speaker, what's the solution? We can explain away this forever and ever. But I know there's a frustration in the Hawaiian community, a disappointment in the Hawaiian community. There's one third of the homeless from the Hawaiian community. How long does this have to go? Many of you know that I interviewed all of the former directors of DHHL. They thought it was a great act, but they never felt they had the resources. They were disappointed in what they couldn't accomplish. So, we call that research project Broken Promises. Broken promises of 1921 and broken promises of 1959. We have a working group that is going to slowly go through the process of bringing attention to that issue, Mr. Speaker, but how long will the Hawaiians wait? How long should the Hawaiians wait for this?"

"Again, this is not about me and it's not about the Finance Chair, it's about the people of Hawaii and the law of the U.S. Congress and the constitution of this state, Mr. Speaker. We all rose our hand to defend the Constitution, and it's right in the Constitution that we will sufficiently fund the Department of Hawaiian Home Lands. As of the 1978 constitution, it is the law of this land. To say that we are sufficiently funding the Department of Hawaiian Home Lands with no A funds except \$1,750,000, is a joke. Mr. Speaker, we can do better than this. We have to do better than this. And for those reasons, Mr. Speaker, this amendment will at least fund them, so they can keep their lights on, hire their people, and pay their people. For those reasons, Mr. Speaker, I ask people for their support. Thank you."

Representative Lee rose, stating:

"Mr. Speaker, I rise on a point of information. I appreciate the introducer of the floor amendment's intent, but I think for my purposes and I think for many of us and for this body, we rest on facts. And I'd just like to ask the previous speaker, or the introducer of the floor amendment, if indeed the premise that he's building his argument upon and those facts are indeed incorrect with respect to the amount of money in the budget on which this floor amendment is built, if that is incorrect, would he consider withdrawing his floor amendment?"

At 11:33 o'clock a.m., Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:34 o'clock a.m.

Representative Luke rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition and, clearly, the Minority Leader needs to look at the budget documents, maybe half a year not being on Finance he forgot how to read the budget documents, but we know for a fact that the Governor did not put in the \$25 million. And the other thing is, the whole thing about operation is staffing, it's \$28 million of staffing, of which the Department of Hawaiian Home Lands cannot even fill the \$9 million. So, what we're saying is instead of providing more staffing funds, what we need to do is give them money for lot development and give them money for resources to develop homes. And in as much as the Minority Leader is skeptical of DHHL, DHHL has been doing its job and doing the best they can to whittle down the wait list, and so if he has a problem with the funding, maybe he should take it up with DHHL instead."

Representative Ward rose to respond, stating:

"Mr. Speaker, I have no rebuttal time, but I have request for comments in the Journal of which I will rebut."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I stand in support of this amendment because I believe that this body of lawmakers has the legal and moral obligation to fulfill the mission of DHHL; we cannot do so if we refuse to adequately fund it. Circuit Judge Jeanette Castagnetti ruled in 2015 that the base number that DHHL needs to keep its lights on is \$28 million. Last year, we appropriated \$25.1 million in 'A' funds for HHL625; this is a far cry from the current proposal of \$1.75 million. Mr. Speaker, we must do what is right. That is why I urge my colleagues to support this floor amendment and make sure we enable the Department of serve the Hawaiian people.

"Mr. Speaker, I would also like the record to show that the base budget should in fact be \$25.1 million and would like to reference page 34 of last year's budget accordingly. Furthermore, I would also like to reference the Governor's request of \$25.5 million as stated in the Executive Budget-in-Brief, page 74, and DHHL's previous testimony on this measure.

"Lastly, I would like to point out that the current \$1.75 million is only for the Department's current 'lease payments' and would like to reference page 747 of the Governor's Executive Budget.

"Bottom line, Mr. Speaker, this is a far cry from this body's supposed baseline and my proposed request of \$28 million. In response to the good Finance Chair and other members' doubt to the accuracy of my budget figures, I would like to submit my letter to her with attachments."

Representative Ward also submitted the following letter:

[Note: This space intentionally left blank.]



REPRESENTATIVE GENE WARD, Ph. D.
MINORITY LEADER
STATE CAPITOL

March 6, 2019

The Honorable Sylvia Luke
Chair, House Committee on Finance
Hawaii State Capitol, Room 306
Honolulu, HI 96813

WHICH FLOOR SPEECH TO BELIEVE ABOUT THE DHHL BUDGET?

Aloha Chair Luke,

Thank you for the spirited discussion on my floor amendment to HB 893, HD2 yesterday.

However, I would like to address the statements made by you and Chair Yamane relating to the DHHL's operating budget (HHL625).

You said my budget figure of \$25 million of operating funds from the general funds ("A" Funds) was incorrect and we are to base a budget based "on facts" only. In your rebuttal following my speech, you stated the base budget for DHHL's operating expenses was around \$9 million. Chair Yamane stated that the request, as written in HB 893, HD2 reflects the desires of the Department of the Hawaiian Home Lands.

Unfortunately, there is nothing in the bill, the committee report, or the Department's testimony to support your claims.

See, for example, the Governor Ige's FB 2019-21 Executive Biennium Budget, "Budget in Brief," page 74, that clearly indicates funding for DHHL according to the Governor should be \$25,503,947 for FY2020 and \$25,510,167 for FY2021.

I have also listed DHHL Director, Jobie Masagatani's testimony in the January Info briefings and in February 8th budget hearing where she unequivocally stated that the Governor's request for \$25,503,947 for FY 2020 and \$25,510,167 for 2021 is to be, at the very least, the base of the general fund appropriation.

So you may clearly see where you are incorrect, my office has compiled the chronological general fund appropriations, and requests, on the following page:

1

HHL 625 – "A" Fund Appropriation/Request History

Attachment #	Date	Source	FY19 – ALL GENERAL OR "A" FUNDS	FY20 – ALL GENERAL OR "A" FUNDS	FY21 – ALL GENERAL OR "A" FUNDS
1.	06-25-18	Last year's base budget (Act 53/18, page 74)	\$25,120,730	n/a	n/a
2.	12-17-18	FB 2019-21 Executive Budget in Brief, page 74	n/a	\$25,503,947	\$25,510,167
3.	01-10-19	DHHL Testimony, FIN Info Briefing, table 3	n/a	\$25,503,947*	\$25,510,167*
4.	01-18-19	HB 2, page 49	n/a	\$18,638,060	\$18,644,280
5.	01-23-19	HB 893	n/a	[blank]	[blank]
6.	02-08-19	DHHL Testimony, HB 893 (WLH)	n/a	\$25,503,947*	\$25,510,167*
7.	02-15-19	HSCR 792	n/a	"as listed in H.B. No. 2"	"as listed in H.B. No. 2"
8.	2-15-19	HB 893 HD1	n/a	\$1,750,000	\$1,750,000
9.	2-25-19	DHHL Testimony, HB 893 HD1 (FIN)	n/a	\$25,503,947**	\$25,510,167**
10.	2-25-19	HB 893 HD2	n/a	\$1,750,000	\$1,750,000

*Numbers reflect baseline as requested by DHHL. This excludes the "Sufficient Sums" budget request.
**DHHL requests HB 893 HD1 be amended to reflect HHL625 in Governor's Executive budget request.

I have respectfully attached each source for your review. Aside from the \$1.75 million put forth in HB 893 HD1 and HB 893 HD2, the lowest appropriation for HHL625 is \$18,638,060, as listed in HB 2.

While I am a fan of your newly-implemented performance-based budgeting method and have praised you on the House Floor for undertaking such an approach, I am not convinced that any of the numbers requested/appropriated by the Chair of the Hawaiian Homes Commission, the Governor, or the Legislature merit such an abysmal operating budget for DHHL.

As the measure moves forward, I trust your efforts with Chairs Dela Cruz, Shimabukuro, and Yamane will produce a budget that will help the people native to these islands and provide the funds our constitution mandates.

The truth is DHHL cannot pay its staff and keep its lights on with a budget of \$1,750,000 of "A" General Funds. Please explain where any of the above figures are incorrect and the conclusion that DHHL's budget has been underfunded.

Aloha,

Representative Gene Ward

Cc: All House members

2

The following documents were attached:

- Gov. Msg. No. 1153, dated June 22, 2018, signing H.B. No. 1900, HD 1, SD 2, CD 1, Relating to the State Budget into law as Act 053 (18), and highlighting Item No. 24, HHL625 – Administration and Operating Support, 25,120,730A FY17-18, 25,120,730A FY18-19 on Page 34;
- The FB2019-21 Executive Biennium Budget, Budget in Brief, dated December 17, 2018, and highlighting Funding Sources, General Funds 25,503,947 FY20, 25,510,167 FY21 under the Department of Hawaiian Home Lands Operating Budget on page 74;

3. Testimony of Jobie M.K. Masagatani, Chairman, Hawaiian Homes Commission before the House Committee on Finance on the 2019-21 Biennium Budget Request of the Department of Hawaiian Home Lands, dated January 10, 2019, and highlighting HHL625 Administration and Operating Support \$25,120,730 FY19, \$25,503,947 FY20, \$25,510,167 FY21 of the DHHL Program ID Totals on Page 3 of the 2019 Budget Briefing;

4. H.B. No. 2, and highlighting Item No. 7, HHL625 – Administration and Operating Support, 18,638,060A FY19-20, 18,644,280A FY20-21 on page 49;

5. H.B. No. 893, and highlighting Item No. 2, HHL625 – Administration and Operating Support, with blank values for FY19-20 and FY20-21 on page 4;

6. Testimony of Jobie M.K. Masagatani, Chairman, Hawaiian Homes Commission before the House Committee on Water, Land, & Hawaiian Affairs hearing on February 8, 2019 on H.B. No. 893, and highlighting "the operating budget included in the Governor's Executive budget request, which includes \$25.5 million annually in general fund support, is an appropriate base line given our current staffing levels and funding provided over the past two years.";

7. Stand. Com. Rep. No. 792 on H.B. No. 893, HD 1 reported from the Committee on Water, Land, & Hawaiian Affairs, and highlighting "Your Committee has amended this measure by replacing the amounts for general funds, special funds, federal funds, and trust funds in HHL602 and HHL625 with the respective amounts listed in H.B. No. 2.";

8. H.B. No. 893, HD 1, and highlighting Item No. 2, HHL625 – Administration and Operating Support, 1,750,000A FY19-20, 1,750,000A FY20-21 on page 4;

9. Testimony of Jobie M.K. Masagatani, Chairman, Hawaiian Homes Commission before the House Committee on Finance hearing on February 25, 2019 on H.B. No. 893, HD 1, and highlighting "Thus, we ask that this bill be amended to appropriately reflect under HHL 625 – Administration and Operating Support, \$25,503,947 in FY2020 and \$25,510,167 in FY2021"; and

10. H.B. No. 893, HD 2, and highlighting Item No. 2, HHL625 – Administration and Operating Support, 1,750,000A FY19-20, 1,750,000A FY20-21 on page 4.

Representative Yamashita rose to speak in opposition to the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. In opposition of the floor amendment. Mr. Speaker, just to note, last biennium the appropriation for CIP appropriations, grant in aid and NAHASDA money was \$96.23 million. Thank you."

Representative Yamane rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, in opposition. The underlying bill, Mr. Speaker, reflects what has been requested by the department. Mr. Speaker, myself and Finance staff has gone through it, looking at the positions available, the needs of the department, and currently this is their request, which came from the administration. Mr. Speaker, also I'd like to note the fact that if we are talking about fiscal accountability, throwing money to an entity that's not capable currently of dealing the budget at hand, as well needing more time to vet not only a future of how to develop these properties, but also their internal conflicts and potential investigations. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition, and as one who has a sizeable Native Hawaiian community, DHHL in my district, it's important that my constituents know the facts. And because of that, I'd like to adopt the words of the Water, Land Chair and the Chair of CIP as if they were my own. Thank you very much. And the Finance Chair, too," and the Chair "so ordered." (By reference only.)

Representative DeCoite rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. As a Native Hawaiian and speaking on behalf of the budget itself and the strong support that we have from this body, we need to understand that when a department cannot handle its fair share of the budget and spend the money down, we call use it or lose it, it's a full waste of where monies could be put forward. While we have met with the many different associations and the different state leaders across the State of Hawaii this past year, it is apparent to us that the sufficient budget that is before us is adequate. Thank you, Mr. Speaker."

The motion that Floor Amendment No. 2, amending H.B. No. 893, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS BUDGET," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representative Ichiyama being excused.

(Main Motion)

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

"Mr. Speaker, in weak support with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 893, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS BUDGET," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Okimoto voting aye with reservations, with Representative Ward voting no, and with Representative Ichiyama being excused.

At 11:40 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 622, HD 2
H.B. No. 172, HD 1
H.B. No. 402, HD 1
H.B. No. 1326, HD 2
H.B. No. 601, HD 1
H.B. No. 993, HD 2
H.B. No. 1124, HD 2
H.B. No. 893, HD 2

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 11:43 o'clock a.m.

THIRD READING

H.B. No. 69, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 69, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative D. Kobayashi voting no.

H.B. No. 295, HD 1:

Representative Belatti moved that H.B. No. 295, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

"In support, but with very strong reservations. HB 295 is a dangerous bill because it appears to be pro-prevention of domestic violence, but it has unintended consequences. In 2017, the Women's Caucus went statewide to

ask the proponents for women's rights as to what was the problem with enforcement of our domestic violence bills, and the biggest concern they had was delay and continuances.

"No one voiced the concerns stated in HB 295, because the reality is, and this is from someone who has been practicing family law for over two decades, that because of the judge's liberal interpretation of our current domestic violence laws, the truly domestic violence incidents are already being prosecuted and are already being subject to protective order. So, by increasing what is considered domestic abuse to include emotional abuse, which is very common on every relationship, people talk about name calling, people talk about coerciveness, you basically increase the docket. And by increasing the docket, you delay the enforcement of those protective orders and those domestic abuse cases that's already in the docket.

"So not only are we, that's why this is dangerous, by increasing, but also the definition of the coercive conduct. Coercive conduct includes humiliation, which includes name calling, very common, isolating a person from source of support, resources, depriving means, and regulating the person's everyday behavior. That is so common in every divorce case, Mr. Speaker.

"I know so many people who are wage earners who are basically getting allowances from their spouses, and they will be able to claim domestic abuse based upon this definition. And that's why this is dangerous, because of the kind of manipulation in very contested divorces, it's a kind of first to file kind of thing. And we've already prevented the kind of dual protective orders used by abusers to manipulate the system, we shouldn't give them more ammunition. And for those reasons, I am in support of the intent, but very, very strong reservations because of the unintended consequences. Thank you."

Representative Cabanilla Arakawa rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Although I'm a female, I'm voting in opposition of this matter, because I think that once we pass this, the work load in family court will just not double, but probably quadruple, because it qualifies in every case. Thank you, Mr. Speaker."

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

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

"Thank you, with reservations. I'd like the words of Vice Chair of Judiciary entered in the record as if they were my own. Also, I just have a concern that this may actually create less choice for insurance and people being dropped, it could end up hurting the very people we're trying to protect. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 295, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Third Reading by a vote of 50 ayes to 1 no, with Representatives McKelvey, Okimoto, San Buenaventura and Ward voting aye with reservations, and with Representative Cabanilla Arakawa voting no.

H.B. No. 176, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSOLIDATION OF MOTOR VEHICLE DRIVER'S LICENSE AND CIVIL IDENTIFICATION CARD FORMS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

H.B. No. 163, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 163, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO REPORTS OF CANDIDATE COMMITTEES," passed Third Reading by a vote of 51 ayes.

H.B. No. 712, HD 1:

Representative Belatti moved that H.B. No. 712, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

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

Representative Har 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.B. No. 712, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives DeCoite, Har, Matsumoto and Okimoto voting aye with reservations, and with Representatives Kong, McDermott, Say, Tokioka and Ward voting no.

H.B. No. 290, HD 1:

Representative Belatti moved that H.B. No. 290, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Har 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.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Third Reading by a vote of 51 ayes, with Representative Har voting aye with reservations.

H.B. No. 213, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 213, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE PROPERTY," passed Third Reading by a vote of 51 ayes.

H.B. No. 1246, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Third Reading by a vote of 51 ayes.

H.B. No. 951, HD 1:

Representative Belatti moved that H.B. No. 951, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"I stand with reservations. My main concern is the strict liability for state language in this bill. Normally, strict liability, criminal law normally requires *mens rea*, which is basically an intentional purpose, and that is why we are criminalizing that action. By making it strict liability, basically we are saying that a doctor who prescribes a drug that is ultimately ingested by a minor, even though that doctor did not have any evil intent, then becomes criminally liable. I understand the civil liability, but criminal liability is a much stronger type of penalty. And so for those reasons, I stand in strong reservations."

The motion was put to vote by the Chair and carried, and H.B. No. 951, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

MANSLAUGHTER," passed Third Reading by a vote of 51 ayes, with Representative San Buenaventura voting aye with reservations.

H.B. No. 1381, HD 1:

Representative Belatti moved that H.B. No. 1381, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, may I request a ruling on a potential conflict? My spouse is a member of the executive that would be covered by this measure."

The Chair addressed Representative Takayama, stating:

"There is no conflict, and it will remain in effect through *sine die*."

The motion was put to vote by the Chair and carried, and H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS," passed Third Reading by a vote of 51 ayes.

H.B. No. 486, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 486, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

H.B. No. 217, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading by a vote of 51 ayes.

H.B. No. 711, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 711, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL DEFENSE," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives McDermott and Ward voting no.

H.B. No. 361, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMOLUMENTS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Kong, Say and Tokioka voting no.

H.B. No. 1217, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 1217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Third Reading by a vote of 51 ayes.

At 11:51 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 69, HD 1
 H.B. No. 295, HD 1
 H.B. No. 176, HD 1
 H.B. No. 163, HD 1
 H.B. No. 712, HD 1
 H.B. No. 290, HD 1
 H.B. No. 213, HD 1
 H.B. No. 1246, HD 1
 H.B. No. 951, HD 1
 H.B. No. 1381, HD 1
 H.B. No. 486, HD 1

H.B. No. 217, HD 1
 H.B. No. 711, HD 1
 H.B. No. 361, HD 1
 H.B. No. 1217, HD 1

H.B. No. 497, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 51 ayes.

H.B. No. 164, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONEERING COMMUNICATIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 307:

Representative Belatti moved that H.B. No. 307 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, I'm rising to speak against the measure. This is House Bill 307, Relating to Renewable Energy, and what it does is adds a category to renewable energy in our state law. And that category is self-replenishing non-fossil fuel. Well, when you stop and look at what that possibly could be, one of the things could be nuclear power. Now I know you have to have a three-fourths vote in both houses to allow nuclear power to be able to be used in Hawaii, but at least by broadening the definition, the statutory change would be made.

"The other is natural gas, and it's still questionable whether natural gas really should be determined a renewable energy, natural renewable energy power. My concern is we're really putting the cart before the horse and we ought to take a look at what is the actual power that is seeking to be in this definition, and we ought to be able to vet that before we change the definition. I think we are doing it backward, and I would like to see great caution taken before we change the definition. Thank you."

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, this measure bypassed the Energy & Environmental Protection and Consumer Protection & Commerce Committees to which it was originally referred, instead being re-referred to the Finance Committee on February 28th. It was passed out of the Finance Committee unamended that afternoon. So, as a result, I'm uncertain that its impact has been properly vetted by the committees most responsible for its subject matter, especially since it has no defective date and could be passed by the Senate without the House having another chance to revisit the bill.

"This measure came up in 2016, at that time DBEDT and the Public Utilities Commission expressed strong reservations about the measure's lack of clarity. And I think that rather than providing a blanket provision that could be abused by entities seeking to exploit Hawaii's push toward clean energy future, we should be responsible policy makers and add emerging technologies contained in our state's definition of renewable energy after they have been established to improve and to advance the public interest. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in opposition to House Bill 307. Since no human was offered an opportunity to testify on this bill, it's an energy bill as my colleague from Wahiawa stated that was rereferred to Finance with 30 minutes notice. Since the system has been put in place here to vet our legislation and it has been subverted in this case, it seems wholly inappropriate for an unpopular bill that has failed three years in a row should

get a bypass in our processes. For these reasons, I'm voting no on this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 307, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Matsumoto, Perruso, Thielen and Wildberger voting no.

H.B. No. 118, HD 1:

Representative Belatti moved that H.B. No. 118, HD 1 pass Third Reading, seconded by Representative Morikawa.

At this time, Representative Ward offered Floor Amendment No. 3, amending H.B. No. 118, HD 1, as follows:

SECTION 1. House Bill No. 118, H.D. 1, is amended by changing the starting year for the annual audit to 2025 and ending 2039.

Representative Ward moved that Floor Amendment No. 3 be adopted, seconded by Representative Matsumoto.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in support of the floor amendment. Mr. Speaker, this is a very simple floor amendment. It simply says, let's take time out, let's not cancel the audit. We fought tooth and nail on this floor to make sure there was a very strong audit so the rail didn't go over budget and over time, which we already know it's going. And now we have an intervening variable of a criminal subpoena or subpoenas or subpoena, whatever it is.

"And Mr. Speaker, this amendment says let's take time out, lets knock out our Les Kondo, he is the champion of getting to the details of any and all audits, no matter what field or industry he's looking at. So, I would say this is a way of keeping him in our corner.

"It follows very specifically what the City Council did on Thursday, they also have an auditor and an audit, and they said, okay we're not going to cancel it, we're going to postpone it. And Mr. Speaker, this amendment simply postpones it from 2017 to begin, giving them until 2025. That's a lot of time for a lot of criminal proceedings, courts and appeals and other sorts of things.

"So this is saying, let's buy time, let's basically not abandon the ship, okay, stay by the lifeboats, but let's not pull out of this. And this bill basically surrenders. And I know we don't want to intervene and interfere with what the feds are doing. But we should be standing on the sidelines, Mr. Speaker, so if and when we need to refute or add to facts or to be part of the discussion in the final end, because it's, look, a lot of that is our money, and the State, and the GET, the other add-ons that we have argued for here, we have to protect our investment. So, Mr. Speaker, this amendment simply says, don't cancel, just delay just like the City Council. Let's stick with Les Kondo in our corner and continue to just stand by so we can then, when it's timely, to do it, and also a future Legislature can even tweak those numbers if we haven't given them enough time to do it.

"So, Mr. Speaker, it's very simple, it's kind of a no-brainer, but it's really more of an attitudinal sort of thing. It's an attitudinal thing that says, and some of you know I don't like to give up easy, but it's like the State is kind of just rolling over for something I think is not necessary. And all we've got to do is tweak this, change the date, and it's over with. So, Mr. Speaker, let's stand tall, stand strong, and as they say in Kū Kanaka, be proud of who we are and in our Les Kondo to back him with this resolution. Thank you."

Representative Luke rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition to the floor amendment. Thank you very much. First of all, I just wanted to correct the record of the Minority Leader, he did not fight tooth and nail to support the audit, because he voted no on the bill that created the audit, so he cannot now say he fought tooth and nail to implement the audit. He voted no, okay, which included the audit

portion. Just for the audit, we had an extensive discussion with the Auditor's Office, and people in Finance, you heard from the Auditor himself. He initially had trouble obtaining full records from HART, and I know he had substantial difficulty in getting all that information, and now he is concerned that with the federal investigation, that he will have additional difficulty in getting complete records from both HART and the City.

"We, as a state, invest \$1 million to do the audits, and we have authorized the Auditor's Office not only to do an interim audit, but to do an annual audit. And he himself has said that, okay not only is he running into some difficulties, but he doesn't want to be providing a report to the Legislature that is not complete, and so he is the one who has come forward and said, hey, you know, at this point in time, can we cancel the audit? Because if we have this on the books, we are making him a lawbreaker. Because if he doesn't provide an audit as required by law, then the Auditor's Office essentially is breaking the law, and he doesn't want to be in that situation.

"And as you know, Mr. Speaker, the Auditor's Office can initiate audits on its own or at the authority of the Legislature. Why put a timeline of when the Auditor's Office must pick up the investigation? This sends even worse of a signal, because what if the investigation ends next year and the Legislature must take a look at, okay is there other type of responsibility for rail other than the audit itself?

"The other thing, the danger in copying what the City and County of Honolulu is doing is this. Of course the City and County of Honolulu would like to do the audit until 2039, because what this is signaling is, chances are they would like to have a GET extension up to 2039. So, by voting for this, in essence we are somehow giving this signal that, hey, you know what, okay, maybe we'll pick up the audit in 2025 and then we'll have an audit until 2039. It's actually giving a signal that there might be an appetite by this Legislature to authorize another extension of GET from 2031 to 2039, which I am not comfortable with doing right now. I don't know if anybody other than the Minority Leader is comfortable with giving anyone the signal that we are going to authorize a GET extension up to 2039.

"This is a bad policy. This is not something that the auditor wants to do at this point. Right now, we need to be completely in cooperation with the Federal Government. Not us, we're expecting HART and the City and County of Honolulu to be complete in cooperation with the federal investigation. And the Auditor's Office do not want to interfere with the federal investigation, and we should not be telling the Auditor's Office when to pick it up, we don't know when the federal investigation is going, and we should not be signaling through this floor amendment that we agree to any additional GE extension. Thank you."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Brief rebuttal, particularly regarding the Chair's lack of recollection of what we did when we did pass the audit. We were wrestling over the words 'management' and 'financial.' Some people just said, let the audit be forensic, generic, and some of us were arguing, I think there may have even been an amendment on the floor to make it a financial and management, not just looking at the numbers but looking, hey did you guys spend the money in the proper way and all the legal ways, which now, actually, the feds are doing. So that's why I used the words 'tooth and nail,' Mr. Speaker. Because that was, look, a lot of us in our districts are not very fond of the rail, and we fought to make sure that what we're going to examine we examine with specificity and we examine it with exactness. So, regarding my vote on that issue, I think that it should be reasonably clear.

"The other issue about postponement, I don't think postponement puts us in jail, nor does postponement make us de facto supporting a GET tax increase. It was said so quickly with sleight of hand, I cannot imagine how that was even derived other than that the GET tax may have expired, therefore why would anybody suggest it would implemented.

"Mr. Speaker, I started by saying that this is a no-brainer, it's just simply a time change, it's saying let's not pull out, let's just stand down and wait. Again, as the City Council has waited, and they're the ones with skin in game, they have got a huge, huge investment. This is a City project. We kind of topped off with some money, but if they're saying they want to keep their

auditor at alert or on standby, I see no reason why we shouldn't do equally so to protect taxpayer's money and Mr. Kondo. Thank you, Mr. Speaker."

Representative Luke rose to respond, stating:

"Thank you. Just briefly, the reason why I have pointed out that the GE extension is relevant in this floor debate is that the audit function expires at the time of the last GE collection, which is in 2031. So from 2031 to 2039, what is the Minority Leader trying to have audit other than additional GE extension.

"Of course the City and County of Honolulu would want an audit up to 2039, because they will not only be looking at the capital improvement side, but they will also be looking at the operation side, and at that point in time it is not the responsibility of the State to pay for the operation of rail. We have made it clear, time and time again, so it doesn't make sense that we would allow an audit of 2039, and it gives the impression that the Legislature is open to a GE extension, which many of us, maybe some of you are, maybe the Minority Leader is, but many of us are not comfortable doing.

"And of course the City and County of Honolulu will be looking at something in the future. Because the City and County of Honolulu, in addition to HART, is right now contemplating whether the federal FTA or the Federal Government will be not only not providing the additional \$700 million, but they need to grapple with what happens at the end of the investigation that they take away the entire \$1.5 billion. So, I'm assuming that is the reason why they are looking at an audit of a future date, because this is an issue that this Legislature may have to deal with in the next few years if the Federal Government decides to take back the entire \$1.5 billion. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, request for comments in the Journal and rebuttal. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I support this floor amendment because it does not do away with our decision to audit HART, it simply postpones the starting date to 2025. I agree that there is no need for the State to audit HART if the Federal Government is doing it themselves. However, after all is said and done, we may still want to conduct annual audits ourselves. By 2025, I hope that the Federal Government will have had ample time to complete its audit. If not, we as a body can amend the law accordingly.

"Mr. Speaker, the Minority Caucus fought hard to ensure accountability standards for this project in 2017, and I would like to reference pages 1-9 of the 2017 House Journal – Special Session – 5th Day. *Mahalo.*"

The motion that Floor Amendment No. 3, amending H.B. No. 118, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry.

(Main Motion)

The motion was put to vote by the Chair and carried, and H.B. No. 118, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 51 ayes.

H.B. No. 257, HD 2:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, H.B. No. 257, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 51 ayes.

H.B. No. 460, HD 1:

Representative Belatti moved that H.B. No. 460, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

"Thank you, Mr. Speaker. In support with reservations, brief comments. I truly understand the concerns of the introducer, but I believe this bill would be much more appropriate for counties with more than 500,000 residents, and I believe this would help to satisfy the concerns without unintended consequences statewide. Thank you, Mr. Speaker."

Representative Nakamura rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakamura's written remarks are as follows:

"With reservations. HB 460 prohibits a county from authorizing and accepting a discounted payment of a fine levied by the county planning and permitting department or agency. As a former county council member and managing director for the County of Kauai, I believe the State gives the county the authority to zone and to enforce local zoning regulations. I'm concerned that this bill does not give the county flexibility to reduce fines in cases of hardship, including age, disability, and ability to pay in a timely manner."

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

"In support. Mr. Speaker, this vehicle is far from perfect. As many of you know, we have a serious problem here on Honolulu with the Department of Planning and Permitting. They issue large fines, but their internal policy is to take a 90% discount on any fine issued. Which basically leads to a complete lack of enforcement on this entire island. And this lack of enforcement mostly affects the little guys. The big guys, they don't care. They have strategies to deal with it. But when you're living next door to somebody who is constantly breaking a land use ordinance or residential building codes, it can be very, very frustrating to see that person get away with it. So, I beg the members indulgence as we continue to work on this very important issue, and I do take your concerns to heart. Thank you."

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

"With reservations and I echo the concerns of the Representative from Wailuku."

The motion was put to vote by the Chair and carried, and H.B. No. 460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 51 ayes, with Representatives Hashimoto, Nakamura, Okimoto and San Buenaventura voting aye with reservations.

H.B. No. 1190, HD 1:

Representative Belatti moved that H.B. No. 1190, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Strong support. I just wanted to commend the author of the bill. And this is going to end up potentially removing all income tax burden from those living below the poverty line. But in addition to that, if you are filing a single return and make below \$14,400 or a joint return below \$28,800, you will also receive a tax cut if the original numbers are restored down the road. So, I just wanted to commend the author. In some ways I'm very disappointed that this has not received more attention as we've gone through the process, especially with all of the progressive groups around the state who seem to be submitting testimony on everything, even if it's not within their purview. This should have hundreds of pages of testimony. This is a very high-profile issue. And hopefully we can stir up some more of that down the road. Thank you."

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

"Thank you, Mr. Speaker. In strong support and may I have words of the previous speaker entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. Strong support. According to the Economic Policy Institute, the average income of the top 1% of wage earners in Hawaii is \$797,000, which is 13.7 times higher than the average income of the bottom 99%. In Honolulu, the situation is even worse, with the top 1% of wage earners earning on average 25 times what the bottom 99% make in a year.

"Wealth inequality in our islands is real and growing, leaving many working families struggling to meet their basic needs, as many of us know. Measures like this will provide much needed financial relief to those at the bottom of our state's pay scale, who are at the greatest risk of falling victim to rising prices for food, housing, medicine, and other basic necessities. But as we work to assist our most economically disadvantaged neighbors, I would hope that in the future, we also work to close our widening income gap by increasing income taxes on our state's highest earners, who can afford to pay a little more to expand the services that support our working families. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1394, HD 1:

Representative Belatti moved that H.B. No. 1394, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative San Buenaventura rose to speak in opposition to the measure, stating:

"I stand against this measure. My district has been inundated with lava in the past few months, and my concern is if we give the counties leeway to use the monies for other than roads and mass transit, and our busses on the Big Island really need to be replaced, that they will use the monies for other than the transportation needs of my island. And as such, I understand why the neighbor islands want the flexibility, but until they fix our roads and until everyone gets proper access back to their homes and back to their farms, I need to be in opposition. Thank you."

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

"With reservations, Mr. Speaker. And I'd like to have the words of the Representative from Puna inserted as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Onishi continued, stating:

"And short comments. Mr. Speaker, I come from a very rural district on the Big Island, it's over 56 miles long, and the current mass transit system is very lacking, to the point where school children, in my district, are unable to sometimes participate in extracurricular activities because the school bus system leaves right after school ends, and there is no way for them to get back to their communities.

"I think the Big Island has huge needs for a mass transit system, and as many of you know, our district, in terms of income, is the lowest in the state. So, I think that repurposing this money at the county's discretion is bad policy, and it doesn't equally affect every county in the state. And I think picking and choosing on this particular matter is not good policy. Thank you."

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

"Thank you, Mr. Speaker. With reservations. And my exact sentiment was expressed by the Representative from Puna, may I request her remarks to be in the Journal as my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. With reservations. When the county passed their 0.25% GE surcharge, back when the eruption was ongoing, they then pulled their mass transit budget and just replaced it with the amount of revenue they would expect to receive from that and absorb that into general funds. So, I don't have any confidence that if they're given this expanded uses, that it's going to further the purposes that they're saying it's for specifically, which I think in this bill it's public safety, I'm not sure what else.

"And I also agree with the Representative from Puna, both Representatives from Puna. Mass transit, it's one of the most important things we can be doing for ameliorating cost of living, for reducing carbon emissions, for dealing with traffic. And the mass transit system on Hawaii Island is the furthest behind in the state. In West Hawaii, we basically have nothing. And there's plenty of room to spend this money on that, and I wouldn't be comfortable considering other uses for it until we have a functioning transit system and roads are repaired."

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

"In support, Mr. Speaker. The way I read the bill is that the ability of the counties to use these funds for public transportation would still remain intact in statute. It is merely adding the flexibility for infrastructure and public safety. And for one of the areas that's hit hardest, when you talk about visitor impacts, it's on our infrastructure of West Maui. We have a population of about 10,000, but on any given day because of the visitors we have 60,000 people using very same small corridors, the same overtaxed waste water system, which resulted in the county using injection wells, which is subject of a Supreme Court lawsuit, which could have been avoided, and a lot of other impacts.

"The concern in Maui has been, if we adopt a surcharge, are we limited only to these specific impacts and what about these other areas. So, that's why I support this measure, because if you've ever been down Waieae Street, Mr. Speaker, you'll see if any place needs some help and repair from all the visitor traffic, it's that little street in Lahaina. Thank you."

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"With reservations. I have reservations with this bill because it is a broadening of the original intent of the county surcharge for the counties. The surcharge was to be used for county transportation systems such as roads, highways, buses, trains, ferries, pedestrian paths or sidewalks, or bicycle paths. I don't believe we have done this. We have numerous roads and highways that we need to address. By adding infrastructure and public safety to this, we will just be adding to the list of what we can use the surcharge money for, but if we do this, then it is purely a tax increase for general use. I don't think this is the direction we should be taking. *Mahalo*."

Representative Creagan 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 H.B. No. 1394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTY SURCHARGE ON STATE TAX," passed Third Reading by a vote of 50 ayes to 1 no, with Representatives Creagan, DeCoite, Lowen, Onishi and Ward voting aye with reservations, and with Representative San Buenaventura voting no.

At 12:19 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 497, HD 1
 H.B. No. 164, HD 1
 H.B. No. 307
 H.B. No. 118, HD 1
 H.B. No. 257, HD 2
 H.B. No. 460, HD 1
 H.B. No. 1190, HD 1
 H.B. No. 1394, HD 1

At 12:19 o'clock p.m., Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 37) and concurrent resolutions (H.C.R. Nos. 32 through 34) were referred to Printing and further action was deferred:

H.R. No. 37, entitled: "HOUSE RESOLUTION REQUESTING THE DISPLAY OF THE PRISONER OF WAR AND MISSING IN ACTION FLAG AT THE STATE CAPITOL," was offered by Representative Ichiyama.

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DISPLAY OF THE PRISONER OF WAR AND MISSING IN ACTION FLAG AT THE STATE CAPITOL," was offered by Representative Ichiyama.

H.C.R. No. 33, 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; ENCOURAGING A U.S.-TAIWAN BILATERAL TRADE AGREEMENT; AND CELEBRATING THE STATE OF HAWAII'S TWENTY-SIXTH ANNIVERSARY OF SISTER-STATE RELATIONS WITH TAIWAN AND THE FORTIETH ANNIVERSARY OF THE TAIWAN RELATIONS ACT," was jointly offered by Representatives Onishi, Kong, Nakashima, Kitagawa, Lowen, Matayoshi, Matsumoto, San Buenaventura and Todd.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING SUPPORT FOR THE FIRST COHORT OF UNDERPRIVILEGED, ECONOMICALLY-DISADVANTAGED STUDENTS IN HAWAII TO STUDY AT ELITE SCHOOLS IN ASIA THROUGH THE 2020 HAWAII-ASIA YOUTH PROGRAM," was jointly offered by Representatives Johanson, Har, Hashem, Say and Tokioka.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I have preannouncement announcement that will be coming from Representative Mizuno's Office regarding the luncheon on Thursday. It's a free lunch for everybody. We come back from recess, tomorrow we have recess, Thursday is the luncheon, and details shall be forthcoming. And we have a guest speaker, I think it is going to be very interesting. Thank you."

Representative McKelvey: "Just real quickly, everybody, Aviation Day is going on on the fourth floor. We have participants from our local aviation communities, so come on up if you have a second, and fly away from this place with a smile on your face. Thank you."

ADJOURNMENT

At 12:22 o'clock p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon Thursday, March 7, 2019. (Representative Holt was excused.)