

## EIGHTH DAY

**Wednesday, January 29, 2014**

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:07 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Bishop Soara I. Tupua, Jr. of Holy Hill of Zion Thy Dwelling Place Church, after which the Roll was called showing all Members present with the exception of Representatives Say and Takai, who were excused.

Representative Rhoads rose, stating:

"Mr. Speaker, we can barely hear your mic. It sounds like there is something wrong with it. Could we check that? Because I can just barely hear what you are saying."

At 12:13 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

At this time, the Chair stated:

"My understanding is that the way the amplifiers are set, my voice is muffled and it's difficult to understand. It's not quite my normal speech, although I know normally it's hard to understand me anyway. So now it's a little more pronounced. So if you can bear with us, bear with me with the noise on the outside, we are trying to control that a little bit. We are trying to take care of the amplification over here. I'll try to talk a little slower, so that we can get through this session. Thank you, Members."

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

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 59 and 60) were received by the Clerk and were placed on file:

Dept. Com. No. 59, from the Office of the Auditor, dated January 16, 2014, transmitting a report, Audit of the Department of Human Services' Med-QUEST Division and Its Medicaid Program, Report No. 14-02, pursuant to Section 23-9, HRS.

Dept. Com. No. 60, from the Office of the Auditor, dated January 23, 2014, transmitting a report, Sunrise Analysis: Regulation of Unaccredited Degree Granting Institutions, Report No. 14-03, pursuant to Section 23-9, HRS.

## INTRODUCTIONS

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

Representative McKelvey introduced his constituents from Lahaina, Mr. Richard and Mrs. Linda Jarman, Mr. Mike and Mrs. Sharon Atkinson, and Mr. Larry and Mrs. Bonnie Salsbery.

Representative Mizuno introduced Ms. Lilia Fajotina, President, Adult Residential Care Home Association; and her colleagues and case managers: Mr. Jerry Felicitas, Ms. Romera Jornacion, Ms. Angelita Soria, Mr. Ron Tabbal, Ms. Rosana Dumlao, Ms. Belma Raguindin, Ms. Lina Esta, Ms. Carmelita Casil, Mr. Levy Vargas and Ms. Melanie Lucas.

Representative Awana introduced her staff, Mr. Joel Silva, and Chinese interns Ms. Cassie Yang and Ms. Savannah Lee.

At 12:20 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 10-14) recommending that H.B. No. 1120, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1120, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 11-14) recommending that H.B. No. 1769, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1769, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MANAGE ALBIZIA TREES ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education, with Representative Takai being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 12-14) recommending that H.B. No. 1636 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1636, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 13-14) recommending that H.B. No. 1907 pass Second Reading and be referred to the Committee on Veterans, Military, & International Affairs, & Culture and the Arts.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1907, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Second Reading and was referred to the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, with Representative Takai being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 14-14) recommending that H.B. No. 1957, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1957, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 15-14) recommending that H.B. No. 2038, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2038, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 16-14) recommending that H.B. No. 1684 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1684 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Jordan 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. 1684, entitled: "A BILL FOR AN ACT RELATING TO MANTA RAYS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Hanohano and Evans, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 17-14) recommending that H.B. No. 2101 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2101 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

Representative Carroll's written remarks are as follows:

"Mr. Speaker, in 2004 the management and control of the Kaho'olawe Island Reserve was transferred from the Navy to the State of Hawaii, with the Kaho'olawe Island Reserve Commission as the state agency designated to oversee the use and restoration of the reserve. Since that time, the Kaho'olawe Island Reserve Commission has developed and employed innovative restoration projects that work in the extremely harsh conditions of Kaho'olawe. These projects have served as the foundation for the future restoration of the island.

"In 2013, a state audit of the Kaho'olawe Rehabilitation Trust Fund reported two key findings. The first finding was that the trust fund will be depleted by 2016, and the second finding was that the Kaho'olawe Island Reserve Commission lacks a comprehensive and quantifiable restoration plan with performance measures to gauge whether objectives are being met.

"Taking those two key findings into account, the state needs to take action to reinvigorate the Kaho'olawe Trust Fund in order for the Kaho'olawe Island Reserve Commission to continue and to improve their work on the island of Kaho'olawe.

"Mr. Speaker and distinguished Members of this Body, I urge everyone to please take careful consideration of this bill and, in the spirit of *Aloha 'Aina*, to vote yes on HB 2101. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2101, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA ISLAND RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 18-14) recommending that H.B. No. 1931

pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1931, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Higher Education, with Representative Takai being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 19-14) recommending that H.B. No. 1974, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1974, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

Representative Fukumoto 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. 1974, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION MEDICAL FEE SCHEDULE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 20-14) recommending that H.B. No. 1975, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1975, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR STATE AND COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 21-14) recommending that H.B. No. 1566, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Higher Education, with Representative Takai being excused.

Representatives Hanohano and Evans, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 22-14) recommending that H.B. No. 1795, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1795, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Jordan 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. 1795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KEIKI, 'OPIO, AND KUPUNA

TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Hanohano and Evans, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 23-14) recommending that H.B. No. 2103, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2103, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Jordan 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. 2103, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AHA MOKU ADVISORY COMMITTEE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 24-14) recommending that H.B. No. 1498 pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1498 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. I think on Second Reading I'll be voting with reservations. I need more time to look at this particular proposal. My understanding is that this would be a violation for defecating or urinating on a public street or paved road or sidewalk. I think the penalty of a violation is up to a \$1,000 fine imposed by the court.

"I just have some concerns about what this might mean for some of my constituents and some of your constituents and for the general citizens of this community. So for now I'll be voting with reservations. I'll study the bill, I'll look at the testimony that was submitted, and then I'll make a final decision on Third Reading. Thank you, Mr. Speaker."

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

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

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

"Thank you, Mr. Speaker. I rise with reservations and a few comments. I have some concerns about this section. It says this section shall not apply in cases where the person urinated or defecated on paved roads or sidewalks because of a medical condition verified by a licensed physician.

"The reason I have concerns is, I think there's a lot of mental illness out there. I do think that we have shown that, especially in our homeless population, that many of them have some dual disorders. Maybe they're drug addicts and they're mentally ill. So here, we're saying for them not to get the punishment they have to prove through a licensed physician that they have a medical condition. I think that is a difficult standard, so I have strong reservations on this bill. Thank you."

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

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

"Thank you, Mr. Speaker. With reservations, and I would like to reserve my comments for Third Reading. Thank you very much."

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

Representative Awana 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. 1498, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takai being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 25-14) recommending that H.B. No. 452, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 452, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION FRAUDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takai being excused.

#### SUSPENSION OF RULES

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Takai was excused.)

#### THIRD READING

##### H.B. No. 614:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 614, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

At 12:31 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 614

#### ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, just a brief reminder from Co-Chair McKelvey and myself that the Aerospace Caucus will be meeting at 12:30, well, two minutes ago, right after session. We will be looking at those 12 UAV bills of which were introduced by Representatives Evans, Belatti, Oshiro, Tsuji, McDermott and Ward. They have one or two minutes to say why this is the best thing since sliced bread. We will select three, and we will also approve our mission statement and the charter membership on our letterhead. The incentive is, be a part of the charter membership, which will close at the close of business today. And we also have pizza, Mr. Speaker, which I know you like, Mr. Speaker."

Representative Ing: "Mr. Speaker, I just wanted to say to the Body that today is the birthday of my Office Manager, Auntie Poni. So if you see a

young lady with more leis than a high school graduate, then be sure to wish her a happy one."

### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

**H.R.**  
**Nos.**

**Referred to:**

- |   |   |
|---|---|
| 3 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 4 | Committee on Economic Development & Business, then to the Committee on Consumer Protection and Commerce                                     |
| 5 | Committee on Education, then to the Committee on Finance  |
| 6 | Committee on Water & Land, then to the Committee on Finance   |
| 7 | Committee on Higher Education, then to the Committee on Judiciary   |
| 8 | Committee on Public Safety  |

**H.C.R.**  
**Nos.**

**Referred to:**

- |    |   |
|----|---|
| 4  | Committee on Transportation   |
| 5  | Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance  |
| 6  | Committee on Economic Development & Business, then to the Committee on Finance  |
| 7  | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 8  | Committee on Economic Development & Business, then to the Committee on Consumer Protection and Commerce                                     |
| 9  | Committee on Education, then to the Committee on Finance  |
| 10 | Committee on Water & Land, then to the Committee on Finance   |
| 11 | Committee on Agriculture, then to the Committee on Finance  |
| 12 | Committee on Higher Education, then to the Committee on Judiciary   |
| 13 | Committee on Public Safety  |
| 14 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 15 | Committee on Water & Land, then to the Committee on Finance   |
| 16 | Committee on Health, then to the Committee on Consumer Protection and Commerce  |
| 17 | Committee on Health   |

- |    |   |
|----|---|
| 18 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 19 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 20 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 21 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 22 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 23 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 24 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 25 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 26 | Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 27 | Committee on Energy & Environmental Protection  |

### COMMITTEE REASSIGNMENTS

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

**H.B.**  
**Nos.**

**Re-referred to:**

- |      |   |
|------|---|
| 2295 | Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Finance |
| 2296 | Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Finance |
| 2363 | Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance                            |

### ADJOURNMENT

At 12:33 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, January 30, 2014. (Representative Takai was excused.)