

## TENTH DAY

## Friday, January 31, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:11 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Reverend Sawej Sawej of Honolulu Marshallese United Church of Christ, after which the Roll was called showing all Members present with the exception of Representatives Carroll and Say, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 166 through 182) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 166, dated January 3, 2014, transmitting the Annual Report of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities for Fiscal Year 2013, prepared by the Department of Health pursuant to Section 340B-12, HRS.

Gov. Msg. No. 167, dated January 8, 2014, transmitting the Annual Report on Forensic Patient Data Specific to the Hawaii State Hospital, prepared by the Department of Health pursuant to Section 334-16, HRS.

Gov. Msg. No. 168, dated January 9, 2014, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund, prepared by the Department of Health pursuant to Section 334-15, HRS.

Gov. Msg. No. 169, dated January 15, 2014, transmitting the Department of Labor and Industrial Relations' Employment and Training Program Special Fund Report for fiscal year ending June 30, 2013, pursuant to Section 37-47, HRS.

Gov. Msg. No. 170, dated January 15, 2014, transmitting the Department of Labor and Industrial Relations' Employment and Training Fund Program Annual Report for fiscal year ending June 30, 2013, pursuant to Section 37-47, HRS.

Gov. Msg. No. 171, dated January 21, 2014, transmitting the Department of Labor and Industrial Relations' Hoisting Machine Operators' Certification Revolving Fund Annual Report for the fiscal year ending June 30, 2013, pursuant to Section 37-47, HRS.

Gov. Msg. No. 172, dated January 21, 2014, transmitting the Department of Labor and Industrial Relations' Hawaii Occupational Safety and Health Annual Report on Contested Cases for the fiscal year ending June 30, 2013, pursuant to Section 37-47, HRS.

Gov. Msg. No. 173, dated January 21, 2014, transmitting the Special Compensation Trust Fund Annual Report for fiscal year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 174, dated January 21, 2014, transmitting the Unemployment Compensation Trust Fund Annual Report for fiscal year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 175, dated January 21, 2014, transmitting the Special Unemployment Insurance Administration Fund Annual Report for fiscal year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 176, dated January 21, 2014, transmitting the Hoisting Machine Operators' Advisory Board Program Annual Report for fiscal

year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 177, dated January 21, 2014, transmitting the Annual Evaluation of the Hawaii Unemployment Compensation Trust Fund Report for fiscal year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 178, dated January 21, 2014, transmitting the Annual Report of the Hawaii Labor Relations Board for fiscal year ending June 30, 2013, prepared by the Department of Labor and Industrial Relations pursuant to Section 37-47, HRS.

Gov. Msg. No. 179, dated January 21, 2014, transmitting the Department of Labor and Industrial Relations' 2014 Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Act 100, SLH 1999.

Gov. Msg. No. 180, dated January 21, 2014, transmitting the Department of Labor and Industrial Relations' 2014 Boiler and Elevator Special Fund Report, prepared by the Department of Labor and Industrial Relations pursuant Section 37-47, HRS.

Gov. Msg. No. 181, dated January 21, 2014, transmitting the Department of Labor and Industrial Relations' 2014 Boiler and Elevator Non-General Fund Report, prepared by the Department of Labor and Industrial Relations pursuant Section 37-47, HRS.

Gov. Msg. No. 182, dated January 30, 2014, transmitting the Hawaii State Public Library System's Strategic Plan, 2009-2013 - Planning Hawaii's Public Library Future - Progress Report for Fiscal Year 2013, pursuant to Act 100, SLH 1999.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 62) was received by the Clerk and was placed on file:

Dept. Com. No. 62, from the Department of Budget and Finance, dated November 1, 2013, transmitting a report on the Non-Facility Per-Pupil Allocation, pursuant to Act 130, SLH 2012 and Act 134, SLH 2013.

## INTRODUCTIONS

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

Representative Ing introduced his constituent, Mr. Gene Zarro, founder of Kihei Charter School.

Representative Creagan introduced visitors from the Republic of the Marshall Islands: Consul General Noda Lojkar, Outreach Coordinator Tamera Heine, Deacon Kabjor Lantir, and Reverend Sawej Sawej.

Representative Hanohano introduced staff from Senator English's Office; her staff, Kukana Kama-Toth; and her sister, Ms. Hannah Domingo, a branch manager for the Bureau of Conveyances.

Representative Evans introduced her shadow from HPA for the day, Mr. Alex Siordia; and her staff, Mr. Alex Wheeler.

Representative Hanohano introduced Ms. Michelle Miller, granddaughter of Ms. Minnie Kaawaloa.

Representative Awana introduced Senator Kalani English.

**ORDER OF THE DAY****INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 11) was announced by the Clerk and the following action taken:

H.R. No. 11, entitled: "HOUSE RESOLUTION COMMENDING, HONORING, AND CONGRATULATING FIVE MAOLI ARTISTS FOR SERVING THEIR COMMUNITY AND CONTRIBUTING TO THE OVERALL WELL-BEING OF THE STATE OF HAWAII AND EXPRESSING TO THEM THIS BODY'S APPRECIATION FOR EXEMPLIFYING THE DEPTH, BREADTH, AND DIVERSITY OF THE NATIVE HAWAIIAN ARTS COMMUNITY," was offered by Representative Hanohano.

Representative Hanohano moved that H.R. No. 11 be adopted, seconded by Representative Awana.

Representative Hanohano recognized five Kanaka Maoli Native Hawaiian Artists who have contributed to the community through various mediums of artwork, and acknowledged Mr. Solomon Enos for his media art.

Representative Hanohano then recognized the following honorees who were seated on the Floor of the House for their contributions in art:

Ms. Minnie Kaawaloa, master lauhala weaver, who was represented by her daughter, Ms. Gladys Miller;

Ms. Sharon Lum Ho, art advocate engaged in creating different forms of art such as woodcarvings, prints, drawings and paintings;

Ms. Meleanna Aluli Meyer, art educator, community muralist and film maker; and

Mr. Hanalei Hopfe, gifted artisan best known for his stone carvings.

Representative Awana congratulated and thanked the Maoli artists for their great contribution to encapsulate the essence of Hawaii in their respective art forms.

The motion was put to vote by the Chair and carried, and H.R. No. 11 was adopted, with Representatives Belatti and Say being excused.

At 12:27 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

**REPORTS OF STANDING COMMITTEES**

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 43-14) recommending that H.B. No. 1977, 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. 1977, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 44-14) recommending that H.B. No. 1886, 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. 1886, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representatives Evans and Hanohano, for the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 45-14) recommending that H.B. No. 1618 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 Committees was adopted and H.B. No. 1618, entitled: "A BILL FOR AN ACT RELATING TO THE COMPOSITION OF THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representatives Evans and Hanohano, for the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 46-14) recommending that H.B. No. 1648, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committees was adopted and H.B. No. 1648, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISION DOCUMENTS," passed Second Reading and was referred to the Committee on Transportation, with Representative Say being excused.

Representatives Evans and Hanohano, for the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 47-14) recommending that H.B. No. 1679, 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. 1679, 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."

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

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

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

Representative Hanohano 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. 1679, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIAMOND HEAD SEAWALL," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 48-14) recommending that H.B. No. 1785, 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. 1785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUNG ADULT OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Say being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 49-14) recommending that H.B. No. 1505, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1505, HD 1 pass Second Reading and be referred to the Committee on Judiciary, 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."

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

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

Representative Hanohano 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. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Say being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 50-14) recommending that H.B. No. 1756, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," passed Second Reading and was referred to the Committee on Education, with Representative Say being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 51-14) recommending that H.B. No. 1993 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. 1993, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Say being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 52-14) recommending that H.B. No. 2035, 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. 2035, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DOMESTIC VIOLENCE PROGRAMS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 53-14) recommending that H.B. No. 1500, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1500, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

"I should disclose that I have contractors in my family. They don't do government work though," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I'm rising to speak against the bill, Mr. Speaker. House Bill 1500 has been strongly opposed by all but one testifier according to the information I was able to find on our state website. And then I look at the vote sheet for this measure. Only two Members voted in favor of it without any reservations. Four were with reservations. And then a few were excused.

"Mr. Speaker, the Contractors License Board strongly opposes this bill. And, in fact, every testifier with the exception of one uses the word 'strongly' in its opposition. The Contractors License Board believes that the bill is unnecessary because of the recent Supreme Court decision, and you can find that stated in their testimony. The board has already determined that incidental and supplemental work must represent less than 50 percent of the project, as measured in relation to the project's total cost or extent.

"The difficulty with this bill is it puts in a 1 percent figure. Which, according to the Contractors License Board, and really anyone in the industry, as the other testifiers say, it's just unrealistic, difficult to interpret. It's not flexible as the building industry must be when it's pursuing these projects. It's too rigid because work that is incidental and supplemental varies from project to project and is different in every situation. It will cause confusion in the industry, which we certainly don't need when we're trying to recover from our economic doldrums. It may lead to inequitable results, and it will be difficult to implement and enforce.

"Mr. Speaker, this bill now goes to the Consumer Protection & Commerce Committee, where I hope it will be put to rest. Thank you."

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

"Thank you very much. With reservations. But, I do know that there is a House Draft 1, which made some substantial changes, especially to the 103D exemption. But I still have reservations. Thank you."

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

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

"Mr. Speaker, with reservations, and I'd like to see what happens in CPC. Thank you."

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

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

At 12:55 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1500, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Thielen voting no, and with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 54-14) recommending that H.B. No. 1605 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. 1605, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 55-14) recommending that H.B. No. 1844, 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. 1844, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

Representative Oshiro 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. 1844, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO CHANGE THE THRESHOLD VALUE IN CONTROVERSY REQUIREMENT FOR JURY TRIALS IN CIVIL CASES AT COMMON LAW FROM \$5,000 TO \$10,000," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 56-14) recommending that H.B. No. 1994 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. 1994, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LIABILITY FOR THE INTRASTATE TRANSPORT OF INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Say 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. 57-14) recommending that H.B. No. 1553 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 Committees was adopted and H.B. No. 1553, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE AHA MOKU ADVISORY COMMITTEE," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 58-14) recommending that H.B. No. 1341 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. 1341 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Cabanilla.

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

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

Representative Fale 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. 1341, entitled: "A BILL FOR AN ACT RELATING TO ANTIQUE GAMBLING DEVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 59-14) recommending that H.B. No. 1650 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. 1650, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 60-14) recommending that H.B. No. 195, 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. 195, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN," passed Second Reading and was placed on the calendar for Third Reading, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 61-14) recommending that H.B. No. 1660, as amended in HD 1, 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. 1660, HD 1 pass Second Reading and be placed on the calendar for Third Reading, 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."

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

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

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, this bill says you can't block a sidewalk, you've got to leave one meter for passage. The problem is, some sidewalks aren't even one meter wide to begin with. And secondly, this targets homeless people or those people who may be on the sidewalk. Are we so concerned?"

"Yesterday we talked about defecation, urination and all this other targeting of the homeless people. Now we've got this one, we're not going to have a block on the sidewalk. Which will apply again to neighbor

islands and everybody who has a sidewalk, and it says we've got to leave one space open.

"The police have so many jobs that they are so far behind in enforcing the laws, and now we're going to make a sidewalk police if we put this bill in effect. I think it's unnecessary, it's a little bit too micromanaging of our society, and I think there's other ways to go about it. This is not a good bill. Thank you."

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

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

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

"Thank you, Mr. Speaker. Mr. Speaker, please note my reservations and just a very brief comment. I would note to the Members of this Body that I certainly sympathize with the issue of houselessness. But at the end of the day, in this particular hearing, there was no testimony in support and all the testimony was in opposition to this measure. So, on that basis, Mr. Speaker, I'll be voting with reservations. 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. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SIDEWALKS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Say being excused.

At this time, the Chair stated:

"Members, please note on page 7, the 48-hour notice for Standing Committee Report Number 63-14. Please disregard the Standing Committee Report Number 62-14, and refer to your Supplemental Calendar Number 1, which reflects the correct measure, House Bill Number 979, House Draft 2. And of course, the 48-hour notice."

## SUPPLEMENTAL CALENDAR #1

### REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 62-14) recommending that H.B. No. 979, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 62-14 on H.B. No. 979, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 979, HD 2, were made available to the Members of the House.

## ORDINARY CALENDAR

### REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 63-14) recommending that S.B. No. 1015, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 63-14 on S.B. No. 1015, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1015, SD 1, HD 1, were made available to the Members of the House.

## 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 Say was excused.)

## THIRD READING

### H.B. No. 452, HD 1:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 452, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION FRAUDS," passed Third Reading by a vote of 50 ayes, with Representative Say being excused.

At 1:03 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 452, HD 1

## INTRODUCTION OF RESOLUTIONS

The following concurrent resolution (H.C.R. No. 29) was announced by the Clerk and the following action taken:

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was offered by Representative Souki.

Representative Saiki moved that H.C.R. No. 29 be adopted, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. I speak in support of this measure. Over 12 years ago, the attacks in New York, Washington D.C. and Pennsylvania brought our nation to our knees. Each of us can recall vividly the events of September 11th, 2001. What happened on that fateful day, Mr. Speaker, would shake the foundation of our country and would instantly change the future for our children.

"As a newly commissioned officer in the Hawaii Army National Guard, I knew that my life and our fellow national guardsmen's lives would be changed forever on that day. The question was no longer if we would go, but when we would go. So, when the 29th Brigade Combat Team and the 100th Battalion were deployed in 2004 for the first time since the Vietnam War, we needed to do something, and we did.

"A grateful state best honors and remembers the sacrifices of those who have served our nation by living our lives in deepest appreciation of our freedoms. And that is what they defended and that is what they fought for. Nine years ago in 2005, this Legislature passed Act 21, establishing the Hawaii Medal of Honor, which was our way of expressing our deepest appreciation to these service members. We offer this honor as a small token that can never itself repay the honor that has been given to us. An honor born of courage, driven by duty, and paid for in loss, Mr. Speaker.

"Since the wars on terrorism began, and between March 29, 2003 to January 10, 2014, we have, in Hawaii, lost 331 service members. Four will be honored at this year's ceremony. I wanted to spend some time, Mr. Speaker, talking about the men who we will be recognizing.

"United States Army Sergeant Tofiga Tautolo was 23. He was born in Pago Pago, American Samoa, and was raised in Waianae. It was said when Sgt. Tautolo joined the Army in 2010, he was noticed immediately for his unique ability to balance his leadership role while maintaining a healthy,

low-key sense of humor to keep his soldiers relaxed but ready for battle. It was also known that his biggest passion was being a husband and a father to his son.

"United States Air Force Captain Reid Nishizuka was 30 years old and from Kailua. He joined the military in 2005. He completed multiple deployments to Iraq and Afghanistan before his most recent tour. Known as a man of character, honor and *aloha*, his colleagues said that he always challenged those around him to do their best, yet could put it all into perspective when you were feeling overwhelmed. He was a loving, caring person that brought joy to those all around him.

"United States Army Sergeant Drew Scobie was 25, also from Kailua. He is the first Hawaii National Guardsman lost in Afghanistan. Sergeant Scobie is remembered as a loving father, husband, son, grandson, brother, friend and hero, who loved his family deeply and proudly, and heroically carried the *aloha* spirit wherever he went to defend our country.

"United States Sergeant Edward Balli was 42 and was from Kapolei. He was on his third deployment to Afghanistan and had gone on two tours to Iraq. Fellow soldiers describe him as an outstanding leader of soldiers, and a person with a kind heart and smile, that aimed to please those he worked for and worked with.

"By this concurrent resolution, Mr. Speaker and colleagues, this year's Hawaii Medal of Honor will be awarded to family representatives of these fine men at a ceremony held during a joint session of the Legislature on Tuesday, March 25, 2014, at 2 p.m. in these Chambers. Words are not enough to express the loss of these young men, who died serving our country. For this reason we honor the family, friends and colleagues of the fallen who have sacrificed. Who have themselves paid a price and who helped make this year's honorees the brave, strong individuals that we called on and counted on to serve our nation.

"Mr. Speaker, I urge the passage of House Concurrent Resolution 29. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 29 was adopted, with Representatives Kobayashi, McKelvey and Say being excused.

### ANNOUNCEMENTS

Representative Hanohano: "We just finished our Hawaiian Affairs Caucus Week and I'd like to thank everyone for participating in it. Also, we had a presentation by OHA and I'm not sure if they're still up there but they did have some *ono* grinds. So, if it's still open, you guys are invited to partake.

"I just wanted to say this. *Mahalo ho'omalu 'ōlelo o ka maihina a'e 'oia o Pepeluali ka 'ōlelo mahina*. So, I just want to say thank you to Mr. Speaker, and just to remember that tomorrow marks the declaration of *'ōlelo maihina* month, which the Governor had created last session. So, in all due respect, for February we really should be learning new words, new Hawaiian words, and also the basic concepts of what it is. So, *mahalo iā 'oukou no ko 'oukou ho'olohe a me ka pule maika'i iā kākou*. So, thank you all for listening, and have a good week. *Aloha*."

### LATE INTRODUCTIONS

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

Representative Brower introduced students from Fudan University, Shanghai, China.

Representative Wooley introduced her friend and constituent, Mr. Daniel Lott, former member of the Legal Aid Society of Hawaii.

### ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I opened my coat because it's cold, but to show that this is an announcement of one that was made last year about Aloha Friday being also APEC Friday. The purpose of remembering and commending that Hawaii was on the world stage in November 2012. We tend to have forgotten about that.

"But all you volunteers who have the shirt, wear it on Friday to remember that we have an international role to play in Hawaii. We have a history of APEC to be proud of. And if you are from Yale or have studied Russian, or were in the Peace Corps, all this international focus needs to be present in this Body. So with that, Mr. Speaker, to the Chinese, *Xin Nian Kuai Le. Kung Hei Fat Choi*."

Representative Fale: "Mr. Speaker, I know many of us are going to leave the building today as a House divided. I am coming from a house divided, Mr. Speaker. But I hope as we come back on Monday, that my house will be back united and those who want to say 'go Broncos,' that will be okay. And those who want to say 'go Seahawks,' that's okay too, Mr. Speaker. But we get back to work on Monday, and unfortunately life is going to be boring again after that, until the first preseason game in the fall. So with that, Mr. Speaker, looking forward to Super Bowl Sunday."

Speaker Souki: "Before we call for the adjournment, *Kung Hei Fat Choi*."

### COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1852	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health
2489	Committee on Judiciary, then to the Committee on Finance
2490	Committee on Judiciary, then to the Committee on Finance
2660	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business, then to the Committee on Judiciary

### ADJOURNMENT

At 1:14 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, Monday, February 3, 2014. (Representatives McKelvey and Say were excused.)