

FIFTEENTH DAY

Friday, February 7, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:14 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Faye P. Hanohano and Ms. Hinalaimoana Wong-Kalu, after which the Roll was called showing all Members present with the exception of Representative Yamane, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 9 through 11) were received and announced by the Clerk:

Sen. Com. No. 9, transmitting S.B. No. 2249, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," which passed Third Reading in the Senate on February 6, 2014.

Sen. Com. No. 10, transmitting S.B. No. 2253, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," which passed Third Reading in the Senate on February 6, 2014.

Sen. Com. No. 11, transmitting S.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on February 6, 2014.

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Yamane was excused.)

S.B. No. 2249, SD 1
S.B. No. 2253, SD 1
S.B. No. 2819

KA HUA 'ŌLELO O KA LĀ
HAWAIIAN WORD FOR THE DAY

Representative Hanohano presented *Ka Hua 'Ōlelo O Ka Lā*, the Hawaiian Word for the Day, as follows:

"Mahalo ho'omalu 'ōlelo.

Ka hua 'ōlelo o ka lā – Kohe.

Kohe – mortise, dovetail joint, groove, sot, cavity, cut center of the crown of a hat, groove in wood, corner in a pandanus mat; fork at the lower ends of house rafters, the underside of the fork was cut back as far as the commencement of the fork or further from the *'auwae*, a limpet variety – *opihī*, vagina.

'Ono ke kohe. The limpet is delicious.

Kohe, 'ōia ka hua 'ōlelo o ka lā. Limpet, the word of the day."

INTRODUCTIONS

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

Representative Choy introduced Honolulu Community Action Program (HCAP) parents and staff, and HCAP Director, Ms. Lynn Cabato.

Representative Luke introduced members of the Boy Scouts of America Aloha Council: Cyrus Ni'i, Logan Klepal, William Coppernoll, Nicholas Coppernoll, Josiah Gleisner, Kai Gleisner, Taylor Omuro, Noah Hemming, Harvey Chu and Alex Parks; parents, Mrs. Nancy Hemming, Mr. Herbert

Chu and Mrs. Maggie Parks; administrators, Mrs. Joanne Pettaway and Mr. Jeff Sulzbach; and board member, Ms. Audrey Hidano.

Representative Luke: "And this is just an early announcement, just in case we go really long, but if we're lucky enough to finish by 1:30, we will be having a luncheon with them prior to 1:30, so hopefully we can get done by 1:30. In Room 423. Thank you."

Representative Hanohano introduced Kumu Hinalaimoana Wong-Kalu and her students that assisted with the invocation and the singing of Ho'onani and Hawai'i Pono'i; and her staff, Committee Clerk Kahikina Kaawaloa, legislative assistant Clyde Marzan, Office Manager Rhonda Roldan, intern Kaleo Gagne; and House Minority staff Kainoa Kaumeheiu-Rego.

Representative Tokioka recognized Speaker Souki and thanked him for bringing back the Hawaiian word for the day, and thanked Chair Hanohano for her continual education of the host cultural practices and sharing the Hawaiian words of the day.

Representative Ohno introduced HSTA teachers.

Representative Evans introduced Margaret Hoy, Marty Sunderland and John Kometani, Kohala Chapter teachers of HSTA.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 213-14) recommending that H.B. No. 2597, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Tokioka and Yamane being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 214-14) recommending that H.B. No. 2107, 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. 2107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 215-14) recommending that H.B. No. 2019, 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. 2019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 216-14) recommending that H.B. No. 2430, 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. 2430, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SENIOR FARMERS' MARKET NUTRITION PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 217-14) recommending that H.B. No. 1655, 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. 1655, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CANCER RESEARCH SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 218-14) recommending that H.B. No. 2182, 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. 2182, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

Representative Hanohano 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO JUSTICE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 219-14) recommending that H.B. No. 2074 pass Second Reading and be referred to the Committee on Health.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2074 pass Second Reading and be referred to the Committee on Health, seconded by Representative Cabanilla.

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

"Mr. Speaker. I need a ruling on a potential conflict. Thank you. I'm a veteran and also a member of the Hawaii Army National Guard," and the Chair ruled, "no conflict."

Representative Takai continued, stating:

"Can this be a ruling for the entire session? Thank you very much."

The Chair addressed Representative Takai, stating:

"Yes."

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

"Mr. Speaker, ruling on a potential conflict. My husband is a member of the Hawaii National Guard and a veteran," and the Chair ruled, "no conflict."

Representative Fukumoto continued, stating:

"And does that stand for the rest of this session? Thank you."

The Chair addressed Representative Fukumoto, stating:

"Yes."

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

"Mr. Speaker, I am a veteran, but I'm a member of the Army Reserve," and the Chair ruled, "no conflict."

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

"Same request, Mr. Speaker. I'm a veteran," and the Chair ruled, "no conflict."

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

"Mr. Speaker, also as a Vietnam veteran, I ask the same. Thank you," and the Chair ruled, "no conflict."

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

"Same request, Mr. Speaker," and the Chair ruled, "no conflict."

Representative Fale rose, stating:

"Mr. Speaker, is that ruling for the remainder of the session?"

The Chair addressed Representative Fale, stating:

"Yes, it will stand for the remainder of the session, so long as you don't have direct bargaining or negotiating on a bill that's before us, it will stand for the entire session."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2074, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Health, with Representatives Tokioka and Yamane being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 220-14) recommending that H.B. No. 1883 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. 1883, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE VETERANS TREATMENT COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 221-14) recommending that H.B. No. 2075, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2075, HD 1 pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Cabanilla.

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. 2075, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second

Reading and was referred to the Committee on Higher Education, with Representatives Tokioka and Yamane being excused.

Representative Aquino, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 222-14) recommending that H.B. No. 2363, 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. 2363, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 223-14) recommending that H.B. No. 2509, 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. 2509, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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. 2509, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST COMMUNITIES WITH THE REMOVAL OF MOTOR VEHICLE TIRES," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 224-14) recommending that H.B. No. 2141, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2141, HD 1 pass Second Reading and be referred to the Committee on Economic Development & Business, seconded by Representative Cabanilla.

Representative Hanohano 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Economic Development & Business, with Representatives Tokioka and Yamane being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 225-14) recommending that H.B. No. 2307, 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. 2307, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

Representative McDermott 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 a no vote 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."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, 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 McKelvey 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. 2307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Fale voting no, and with Representatives Tokioka and Yamane being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 226-14) recommending that H.B. No. 2618, 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. 2618, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

Representative Fale rose and asked that the Clerk record a no vote 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. 2618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY STORAGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Fale voting no, and with Representatives Tokioka and Yamane being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 227-14) recommending that H.B. No. 1955, 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. 1955, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 228-14) recommending that H.B. No. 2457, 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. 2457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Education, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 229-14) recommending that H.B. No. 1597, 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. 1597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 230-14) recommending that H.B. No. 2321, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 231-14) recommending that H.B. No. 2309, 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. 2309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 232-14) recommending that H.B. No. 2299, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2299, HD 1 pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative Cabanilla.

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. 2299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 233-14) recommending that H.B. No. 2532, 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. 2532, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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."

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. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PRIVACY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 234-14) recommending that H.B. No. 2270, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2270, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 235-14) recommending that H.B. No. 2174, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 236-14) recommending that H.B. No. 2061, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERTILITY RIGHTS OF CANCER PATIENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 237-14) recommending that H.B. No. 2355, 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. 2355, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

Representative McDermott rose and asked that the Clerk record a no vote 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."

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. 2355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no, and with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 238-14) recommending that H.B. No. 2224, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP HOMES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 239-14) recommending that H.B. No. 2528, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 240-14) recommending that H.B. No. 2529, 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. 2529, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

Representative McDermott rose and asked that the Clerk record a no vote for him, 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 Jordan 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 Matsumoto 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 Har 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 Thielen 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 Cullen rose and asked that the Clerk record an aye vote with reservations for him, 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. 2529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no, and with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 241-14) recommending that H.B. No. 2527, 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. 2527, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

Representative Jordan 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 Fukumoto rose and asked that the Clerk record a no vote 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 Thielen 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 Fale rose and asked that the Clerk record a no vote for him, 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 Cullen 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 Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, 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. 2527, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURERS ASSESSMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Fale, Fukumoto, McDermott and Thielen voting no, and with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 242-14) recommending that H.B. No. 2525, 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. 2525, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, 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 Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In support, and if I might be able to edify. Mr. Speaker, this bill, like House Bill 2529, actually includes a task force that will begin our pathway to looking for a federal waiver from the application of parts of the Affordable Care Act, to, in fact, keep intact our Prepaid Health Care Act. So, this particular piece is very important because it's going to allow us, again, to maintain what I believe is an innovative healthcare system that has been a leader in the nation. And, in fact, helps to relieve some of the grief and some of the consequences of the Affordable Care Act that are, in fact, harming our own healthcare system.

"So, while I respect the reservations, and clearly we are in sort of unchartered territory because of the great mandate that is in fact represented in the Affordable Care Act. That we, I believe, are charting a course to finding a way to make sure that our Prepaid Health Care remains in place. Thank you, Mr. Speaker."

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

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2525, HD1. Through the establishment of a state innovation waiver, this bill would give the state the capability to create a more effective alternative concerning affordable health coverage being provided to individuals.

"Finding and keeping affordable health insurance that is not full of stipulations is a fairly standard objective of citizens everywhere. The waivers this bill would assist in developing will help protect small groups and individually insured people by requiring a community-rating be offered by insurers versus the rates being decided on a case-to-case basis with prerequisites and stipulations such as pre-existing conditions. The bill would also assist in lowering premiums for individuals and small-group markets by not allowing health insurance companies to overcharge a client due to small size, helping individuals and small businesses to more affordably retain their health coverage.

"All people deserve to be worry free when it comes to obtaining and maintaining health care for themselves, their families and/or their employees. I believe this bill will open doors for just this opportunity.

"Thank you, Mr. Speaker."

Representative Oshiro rose to respond, stating:

"Mr. Speaker, I appreciate the comments from the Chair of Health. I just have some concerns of whether or not we will be abridging the responsibility of the Executive Branch to propagate the application for the waiver to the appropriate federal agency.

"The way the bill is currently constructed, it may be construed as unnecessary burdensome and illegal, unconstitutional intrusion of the Legislative Branch on an executive function. That's my concern. I know the intention behind this bill is well placed, it's just that, maybe as a current technical draft, it might lead to some questions and concerns. Thank you."

Representative Belatti rose to respond, stating:

"Mr. Speaker, in support and with rebuttal. I would urge Members to take a look at the Federal Affordable Care Act. And, in fact, the Legislature has to take action on parts of the innovation waiver process from the Affordable Care Act. So again, this engaging all of the branches of government that are supposed to, under the Affordable Care Act, move towards a state innovation waiver. 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. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 243-14) recommending that H.B. No. 2269, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2269, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Tokioka and Yamane being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 244-14) recommending that H.B. No. 2577, 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. 2577, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

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

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

"Mr. Speaker, I have reservations on this measure regarding public housing, public housing smoking ban. Thank you."

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. 2577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Tokioka and Yamane being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 245-14) recommending that H.B. No. 1499, 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. 1499, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative McDermott rose and asked that the Clerk record a no vote 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 Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and just brief comments. First and foremost, I want to thank the introducer of this bill, the Chair of the Judiciary Committee. I've told him before, this intent of this measure is certainly laudable. I think in the face of the Citizens United case, many of us were perturbed by the ruling. But, unfortunately, it is the law of the land. The U.S. Supreme Court has already opined, and I would direct the Members' attention to the third paragraph of the standing committee report.

"Your Committee acknowledges that the United States Supreme Court held in *Citizens United v. Federal Election Commission*, that contributions and expenditures of money made for the purpose of influencing an election are entitled to First Amendment protections. Until *Citizens United* is overturned, this measure can have no legal effect on political spending to influence elections and expenditures. Your Committee understands that the measure is purely symbolic.'

"And again, for that I do, and that is why I voted with reservations, and I continue to vote with reservations. But again, the testimony that was submitted by the Deputy Attorney General made clear that by doing this as a constitutional amendment you are only going to further confuse the voters. In the wake of our special session back in October and November, I think we've already proven to the voters of this state that this Legislature is not trustworthy when it comes to constitutional amendments."

The Chair addressed Representative Har, stating:

"Hold on, Representative, focus on the merits of the bill."

Representative Har: "I'm focusing on the merits of the bill, Mr. Speaker."

Vice Speaker Mizuno: "You're out of order. You're talking about another bill."

Representative Har: "I'm finishing up, Mr. Speaker. I'm drawing it back."

At 12:45 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

Representative Har continued, stating:

"Thank you, Mr. Speaker. Again, Mr. Speaker, let me clarify for the record, the comments that I made were my personal opinion and they were not intended to serve as a characterization, a gross generalization of the entire Legislature. It was of my opinion, to be clear.

"So that being said, Mr. Speaker. More importantly, Mr. Speaker, though again, I think that a ConAm to this extent would be harmful to the people because, again, there would be no legal effect. So, I continue to say I respect the chair, his intent was laudable on this measure, but again, to be punting this to a constitutional amendment that will further confuse the voters because it has no legal effect, is really not our place to do that. So with that being said, I remain with reservations. Thank you, Mr. Speaker."

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

"Mr. Speaker I will be rising to speak against this proposal. I understand the intent behind this to address the *Citizens United* ruling in 558 U.S. 310 (2010). Unfortunately, the proposed constitutional amendment, if ratified, cannot have any practical legal effect. As a duly licensed attorney of the State of Hawaii, bona fide and permitted to practice law in both the federal and district courts, I believe that this would be in error if we were to move this thing any further. It has no legal effect, the State of Hawaii remains subject to the *Citizens United* ruling construing the federal constitution, Mr. Speaker, not the state constitution, regardless of the amendment to the Hawaii State Constitution. For that reason, I will object to this bill.

"Mr. Speaker, furthermore, for those who are not legally trained or who are licensed to practice law, have any legal background or practical experience, The Hawaii Constitution is within the state's power, we can do whatever we want to Hawaii's State Constitution. But, doing so in this manner has no practical legal effect to the *Citizens United* ruling, insofar as it was construing the federal constitution. And it goes back as far as *Buckley v. Valeo*, 424 U.S. 1 (1976). And I always remembered the former Majority Leader by the same surname reminding us to read the bill. So I would like to also go back to his astute reminder for us to read the bill. The *Buckley* case, and he's familiar with that, and we used to always discuss that in the Judiciary Committee, it's the foundation of modern campaign finance case law. And that's been the case since back in 1976.

"Among the many rulings in that case, the Supreme Court held that contributions and expenditures of money made for the purposes of influencing an election are entitled to the protections of the First Amendment, Federal Constitution. The Federal Constitution is the supreme law of the land. Therefore, even if, even if this proposed amendment passed and was ratified by the voters of Hawaii, we would still be subject to the ruling of *Buckley v. Valeo*, and *Citizens United*. This would not change the outcome of any election, nor have any effect upon federal or state laws.

"At this point in time, according to those two rulings, which I oppose and I think are terrible to our democracy, those corporations and unions are entitled to make unlimited independent expenditures regarding elections. So even if the State Constitution was amended, Mr. Speaker, our laws would still be subject to the Supreme Court's federal constitutional ruling about money used to influence elections. Only an amendment to the Federal Constitution or a subsequent overruling decision from the United States Supreme Court can undo the *Citizens United* decisions, or the broader proposition regarding the First Amendment protections for the contributions and expenditures from the *Buckley v. Valeo* decision.

"Second, Mr. Speaker, I'm concerned about the breadth of the provisions as it applies to expenditures to, quote-unquote, 'promote lobbying.' Page 1, line 16. Read literally, this provision could be read to deny the state constitutions free speech protections for all activities supporting lobbying. Because those activities would involve, quote-unquote, 'the expenditure of money.'

"Finally, Mr. Speaker, I have concerns that this measure, if placed on the ballot, may simply confuse the public. If placed on the ballot, this measure may create the impression that it would be legally effective to address and overturn the unpopular *Citizens United* ruling. Because the proposed amendment would not have such a legal effect, this impression would therefore be misleading. For these reasons, Mr. Speaker, I oppose this measure. Thank you."

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

Representative Hanohano rose, stating:

"*Mahalo ho'omalu 'ōlelo. E ho'o loli ko'u kohuo a na mai ke kanalua ahiki kako'o ole.* I would like to change my vote from 'reservations' to 'no'. *Make make au kaha'i 'ōlelo o kaluna maka'āinana mai Wahiawa mai Whitmore kauhale. Mahalo.* And I would like to have the words of the Representative from Wahiawa, Whitmore Village as if they were my own. *Mahalo,*" and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In support. Robert Jackson, who was a Supreme Court Justice from 1941 to 1954, said, and I quote, 'we are not final because we are infallible,' and he's talking about the Supreme Court, 'we are not final because we are infallible, we are infallible only because we are final.'

"Sometimes the Supreme Court gets it wrong. And *Citizens United*, I think, is a prime example of that, where if we follow the logic of *Citizens United* to its logical conclusion, all we'll have is government by the rich, for the rich, and the rest of us are just out in the cold. Sometimes we do

only have symbolic gestures to make in opposition to things that we think are important. And I agree with my colleagues who are opposed to this bill or have reservations about it, that this is a symbolic gesture, but I think that it's an important enough issue that symbolic gestures are important. *Mahalo.*"

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

"Thank you, Chair. I rise with reservations and some comments. Mr. Speaker, case law has said that unlimited contributions from corporations as of 1912 were illegal. In 1948, I believe, it was that unlimited contributions from unions were illegal. And then those kind of morphed their way through other ways of doing it through other 529s, 401Ks, *et cetera*. And then, not the 401Ks, through different mechanisms by which were established precedence.

"Now with the Citizens, it reverses everything historically, as the previous speaker said. That unlimited contributions from corporations, unlimited contributions from unions, is not good for democracy. However, we put up our hands to not only swear to support the Hawaii Constitution, but to support the U.S. Constitution. So, this is a gesture by which if we want to thumb our nose at them, yeah that's it. But, in terms of what other speakers have said about confusing the people of Hawaii, and what the gavel said was out of order from the Representative from Kapolei, was really wrapped and right on. We're going to look like we're going to really be sucker punchers if we give them another constitutional amendment saying, 'well we didn't really mean that that was going to be meaningful to the people of Hawaii, it was only to thumb our noses at the federal government.'

"For those reasons, Mr. Speaker, I think we should tread very lightly on this. And if we really feel that strongly, I would recommend the author give a nice really strong, solid resolution, that he can use all the language that we need to emphasize that we don't like unlimited union, unlimited corporate contributions, because of what it does to democracy. I think that's a better route, rather than going this route."

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in opposition of House Bill 1499, HD1. This bill proposes a constitutional amendment to provide that freedom of speech does not include the expenditure of money to influence elections.

"Like many others, I have serious concerns over excessive amounts of money influencing elections, but this measure will not address those concerns. Because *Citizens United v. FEC* was a federal ruling, a state constitutional amendment cannot overturn that decision. Passing this bill will only further confuse and mislead voters who will be voting on a constitutional amendment that will have no power to change what it purports to change.

"For these reasons, I oppose this measure. Thank you, Mr. Speaker."

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

Representative Fale rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as his 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 Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ito 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. 1499, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE FREEDOM OF SPEECH," passed Second Reading and was referred to the Committee on Finance, with Representatives Fukumoto, Hanohano, McDermott and Oshiro voting no, and with Representatives Tokioka and Yamane being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 246-14) recommending that H.B. No. 1916 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. 1916, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Tokioka and Yamane being excused.

At this time, the Chair stated:

"Members, we are on Stand. Com. Report No. 247-14, this is House Bill 716. This will be deferred one legislative day. So, be deferred one legislative day."

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 247-14) recommending that H.B. No. 716 pass Third Reading.

By unanimous consent, action was deferred one legislative day.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 248-14) recommending that H.B. No. 849, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 248-14 on H.B. No. 849, 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. 849, HD 2, were made available to the Members of the House.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I previously announced good things came out of the 2011 APEC conference. We got on the world stage. We had a chance to show what Hawaii could do. Some of us wear the shirt for recognition on Fridays, some of us forget.

"But I want to announce the good things in addition that have come out. And I'm wearing my Indonesian shirt, because when the Indonesians came, they said and we said, 'we probably represent the two most beautiful places in the world, Hawaii and Bali.' I want to announce today that the Governor has just sent the go-ahead to the Ministry of Foreign Affairs in Bali through Jakarta, that the MOU is acceptable to the people of Hawaii as well as what is to be signed shortly by the Governor of Bali and there will be a sister state and a great celebration, which should be coming shortly.

"I want to thank Representative Cachola, who, at the time in 2011, was the head of the Sister-State Commission, I believe, or a board or something that approved this. So, Mr. Speaker, coming shortly, the marriage of the two most beautiful places in the world. Bali and the State of Hawaii. A Sister-State relationship. Thank you."

Representative Cullen: "Thank you, Mr. Speaker. I just wanted to send a big *mahalo* to the Representative of Puna for providing us with great Hawaiian knowledge and the word of the day. Thank you."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.C.R.

<u>No.</u>	<u>Referred to:</u>
37	Committee on Energy & Environmental Protection, then to the Committee on Finance

S.B.

<u>Nos.</u>	<u>Referred to:</u>
2026, SD1	Committee on Agriculture, then to the Committee on Judiciary
2072	Committee on Judiciary
2120	Committee on Judiciary, then to the Committee on Finance
2136, SD1	Committee on Education
2249, SD1	Committee on Judiciary, then to the Committee on Finance
2253, SD1	Committee on Public Safety, then to the Committee on Judiciary
2819	Committee on Health, then to the Committee on Consumer Protection & Commerce

ADJOURNMENT

At 12:59 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 10, 2014. (Representative Yamane was excused.)