

FORTY-FOURTH DAY

Wednesday, April 2, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:10 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Bishop Daiya Amano of Izumo Taishakyo Mission, after which the Roll was called showing all Members present with the exception of Representatives Cachola, Carroll, Hashem and Ward, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 246 through 249) were received by the Clerk and were placed on file:

Gov. Msg. No. 246, dated March 14, 2014, transmitting the Report on Rental Motor Vehicle Customer Facility Charge, prepared by the Department of Transportation pursuant to Act 226, SLH 2008.

Gov. Msg. No. 247, dated March 20, 2014, transmitting the 2012-2013 Annual Report of the State Foundation on Culture and the Arts, pursuant to Section 9-3, HRS.

Gov. Msg. No. 248, dated March 21, 2014, transmitting the Hawaii Small Business Regulatory Review Board's 2014 Periodic Review, Evaluation Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201M-7, HRS.

Gov. Msg. No. 249, dated March 24, 2014, transmitting the 2011-2013 Environmental Health Management Report, prepared by the Department of Health pursuant to Act 290, SLH 1996.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 423 through 427) were received and announced by the Clerk:

Sen. Com. No. 423, transmitting S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SELECTION OF DANNY KALEIKINI TO BE INDUCTED INTO THE ALOHA ORDER OF MERIT," which was adopted by the Senate on April 1, 2014.

Sen. Com. No. 424, transmitting H.B. No. 1903, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR HERITAGE MONTH," which passed Third Reading in the Senate on April 1, 2014.

Sen. Com. No. 425, transmitting H.B. No. 2142, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," which passed Third Reading in the Senate on April 1, 2014.

Sen. Com. No. 426, transmitting H.B. No. 1881, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," which passed Third Reading in the Senate on April 1, 2014.

Sen. Com. No. 427, dated April 1, 2014, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 2094, SD 1, HD 1
S.B. No. 3107, SD 1, HD 1

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Cabanilla and carried: (Representatives Cachola, Hashem and Ward were excused.)

H.B. No. 1881, (SD 1)

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Choy introduced University Laboratory School students: Casey Asaoka, Sean-Vincent Balayan, Brandon Caliwag, Breann Campos, Daniel Chung, Xavier Claybaugh, Kayla Cortez, Brenna Dela Rosa, Frank Hobus, Ryan Hobus, Shandon Laguna, Bryanna Lilo, Helina Merritt, Bristie Rouf, Brazzlynn Tovio-Asato, Zachary Trevorrow, Neolani Trias, Alec Vierra and Bryce Withy-Berry; and their chaperone, Ms. Ivey Cruz.

At 12:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

UNFINISHED BUSINESS

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1374-14) recommending that S.B. No. 707, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that notwithstanding the recommendations contained in Standing Committee Report No. 1374-14, that S.B. No. 707, SD 2, HD 1 be recommitted to the Committee on Water & Land, seconded by Representative Cabanilla.

The motion was put to vote by the Chair and carried, and S.B. No. 707, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was recommitted to the Committee on Water & Land, with Representatives Cachola, Hashem and Wooley being excused.

SUSPENSION OF RULES

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Cachola, Hashem and Wooley were excused.)

UNFINISHED BUSINESS

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1363-14) recommending that S.B. No. 2330, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.B. No. 2330, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KANEOHE BAY REGIONAL COUNCIL," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1364-14) recommending that S.B. No. 2822, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.B. No. 2822, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR REAL ESTATE APPRAISERS," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1365-14) recommending that S.B. No. 2882, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.B. No. 2882, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

At 12:35 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

At 12:35 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2330, SD 1, HD 1
S.B. No. 2822, SD 1, HD 1
S.B. No. 2882, SD 2, HD 2

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented two reports:

(Stand. Com. Rep. No. 1381-14) recommending that H.R. No. 29, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1382-14) recommending that H.C.R. No. 48, HD 1, as amended in HD 2, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 29, HD 2; and H.C.R. No. 48, HD 2 be adopted, seconded by Representative Cabanilla.

Representative Har rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations, brief comments. I want to thank the Chair of the Judiciary Committee for amending these two resolutions, 1381-14 and 1382-14, to include a member of law enforcement, the police chief or his designee, as well as the Coalition for a Drug Free Hawaii.

"My only concern and my reservations stem from, on page 3 of the measure, line 36, it says, 'A police chief chosen by the Law Enforcement Coalition, or the police chief's designee'. I'm just concerned that we're limiting the police chief, because we have police chiefs on every island, every county. And in particular, for example, the issues on Oahu are very different from the issues on, let's say, the Big Island.

"So, I think it would be incumbent and responsible for us to make sure that we are including more than one police chief, given the fact that we have differences from county to county regarding law enforcement on this issue. So, for those reasons, Mr. Speaker, I stand with reservations. Thank you."

Representative Fale rose in support of both measures 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 Oshiro rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I rise in support with reservations. First of all, may I have the words of the Representative from Kapolei entered into the Journal as my own? Thank you, Mr. Speaker. My concern, in addition to those already articulated by the Representative, stems from, on page 3, where it states that, 'be it resolved by the House of Representatives of the 27th Legislature of the State of Hawaii Regular Session 2014, that the Public Policy Center in the College of Social Sciences at the University of Hawaii at Manoa (Public Policy Center) is requested to convene a task force to

develop recommendations for the establishment of a regulated statewide dispensary system for medical marijuana to provide safe and legal access to medical marijuana for qualified patients.'

"And then it goes to, 'be it further resolved that the task force be assigned to the Public Policy Center for administrative purposes'. The task force itself is assigned to the Public Policy Center, which is at the University of Hawaii at Manoa, under the direction of the College of Social Sciences. And therein, 'requested to make recommendations and propose legislation on the design and structure of a regulated statewide dispensary system for medical marijuana,' Mr. Speaker.

"You know, I'm never afraid of any task force, Mr. Speaker. I've proposed task forces to look at socially responsible corporations. I looked at a task force to do a state bank proposal. I'm not afraid of task forces. What concerns me here in this particular resolution is that we would almost subjugate the legislative policy-making authority to a policy group at the University of Hawaii under the College of Social Sciences. That's the Public Policy Center. And I don't know what authority it would have or binding authority it would have upon us, but those are my concerns, Mr. Speaker. Other than that task force, no problem, but I think this particular directive in this measure here raises some concerns. Thank you."

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, generic reservations. Thank you."

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

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Still in support with reservations. May I please have the words of the Representative from Wahiawa entered into the Journal as if they were my own? And secondly, Mr. Speaker, I did jump the gun a bit. There is another concern that I do have. It is on page 4 of the resolutions, line 21, regarding a representative from the ACLU, the American Civil Liberties Union of Hawaii. I'm not clear why it's necessary for a member of ACLU to stand on this medical marijuana task force. I'm not clear when the use of medical marijuana became a civil liberty, but in any event, for that reason, Mr. Speaker, I still remain with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 29, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE ESTABLISHMENT OF A REGULATED STATEWIDE DISPENSARY SYSTEM FOR MEDICAL MARIJUANA," was adopted, with Representatives Cachola, Hashem and Wooley being excused; and

H.C.R. No. 48, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE ESTABLISHMENT OF A REGULATED STATEWIDE DISPENSARY SYSTEM FOR MEDICAL MARIJUANA," was adopted, with Representatives Cachola, Hashem and Wooley being excused.

Representative Rhoads, for the Committee on Judiciary, presented two reports:

(Stand. Com. Rep. No. 1383-14) recommending that H.R. No. 7, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1384-14) recommending that H.C.R. No. 12, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 7, HD 1; and H.C.R. No. 12, HD 1 be adopted, seconded by Representative Cabanilla.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of HR7/HCR12.

"Since the dawn of this nation and even before then, women have been discriminated against and it still continues today. It is important to recognize and not only be reactive toward the harsh elements that women encounter but we should be proactive as well. Approximately 37 percent of female rape victims were between the ages of 18 and 24. Approximately 19 percent of undergraduate women had the experience of attempted or completed sexual assault upon entering college. According to a report from the University of Hawaii at Manoa, there have been 11 forcible sex offenses on campus and 12 in previous years.

"It is the responsibility of the University of Hawaii to ensure a safe learning environment that is free of sexual harassment and violence. Therefore it would behoove the university to adopt the mandates of Title IX and the Violence Against Women Reauthorization Act of 2013 (VAWA). These laws are absolutely essential to provide safety for students, faculty and staff. The ramifications of sexual assault cut far deeper than the physical and emotional pain the victim, family or friends suffer as it impacts the health of the community.

"By adhering to Title IX and the VAWA, the University of Hawaii is better equipped to deal with sexual assault and violence, thus making a more rewarding, educational, friendly environment for all students, faculty and staff."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 7, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF HAWAII'S DEDICATION TO ENDING ALL FORMS OF SEXUAL VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS," was adopted, with Representatives Cachola, Hashem and Wooley being excused; and

H.C.R. No. 12, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF HAWAII'S DEDICATION TO ENDING ALL FORMS OF SEXUAL VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS," was adopted, with Representatives Cachola, Hashem and Wooley being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1385-14) recommending that S.B. No. 2138, SD 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 S.B. No. 2138, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Hashem and Wooley being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1386-14) recommending that S.B. No. 2874, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1386-14 on S.B. No. 2874, 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. 2874, HD 1, were made available to the Members of the House.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1387-14) recommending that S.B. No. 2465, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1387-14 on S.B. No. 2465, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2465, SD 2, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1388-14) recommending that S.B. No. 651, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1388-14 on S.B. No. 651, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 651, SD 2, HD 2, were made available to the Members of the House.

THIRD READING

S.B. No. 2331, SD 2, HD 1:

Representative Saiki moved that S.B. No. 2331, SD 2, HD 1 pass Third Reading, 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 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 an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2331, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

S.B. No. 2801, HD 1:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, S.B. No. 2801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION OF GAS TANKLESS WATER HEATERS," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

S.B. No. 2591, SD 1, HD 1:

Representative Saiki moved that S.B. No. 2591, SD 1, HD 1 pass Third Reading, seconded by Representative Cabanilla.

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

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2591, SD1, HD1. This bill requires additional detail and updates for annual reports to the Legislature of police misconduct; requires retention of disciplinary records for at least 18 months after reporting; and permits disclosure under the Uniform

Information Practices Act of misconduct by a police officer that results in a suspension of one year or more for one incident.

"After hearing testimony from the State of Hawaii Organization of Police Officers (SHOPO), it is clear that this measure is unnecessary. SB 2591, SD1, HD1 looks to further broaden the scope of the Legislature to require additional areas of oversight, where additional oversight is not warranted.

"Statistical data presented by SHOPO indicated that complaints of police misconduct are virtually nonexistent, when considering the abundant contact police have on a routine basis with the public. Annual reports presented by the Honolulu Police Department indicate that from 2010-2012, fewer than six cases on average, per 100,000 public contacts by law enforcement, for each one of these years resulted in public complaints. These findings are most commendable, given some of the dangerous environments our law enforcement officers regularly encounter.

"Circling back, the expansive language of SB 2591, SD1, HD1 looks to fix a wheel that is not broken. Sufficient misconduct reports are already provided by the Chiefs of Police annually. With such a low record of reported complaints, it is curious why this Body feels compelled to broaden an already properly functioning reporting process. Moreover, if county prosecutors determine there is legitimate evidence that a law enforcement officer engaged in criminal misconduct, they file disclosure documents, the contents of which are made available to the public.

"The absence of a significant number of misconduct cases shouldn't compel this Body to demand more information regarding police officers, it should remind us that law enforcement is already well-suited to handle these rarely occurring cases according to their established standard operating procedures and internal accountability, without having to face greater demands and redundancy from the Legislature.

"For these reasons, Mr. Speaker, I stand in opposition to SB 2591, SD1, HD1. Thank you."

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

"Mr. Speaker, with reservations. When I look at this bill, Mr. Speaker, my reservations come from the fact that it came over as a Senate Bill with a defective date, and the date now is upon approval. And I know there's still, in many people's minds, still some concerns with this bill. So, at this time, I'd like to go with reservations because this bill will not go to conference if it goes back to the Senate, it's clean and it will be passed. I'm sure the Senate will agree to the bill, and for those reasons, with reservations, Mr. Speaker."

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

"Thank you, Mr. Speaker. Standing up with reservations. Mr. Speaker, my reservation is, I understand that there is, in the bill written, two processes. One that if a suspension is continuing, if it's ongoing, or if the process has concluded. Mr. Speaker, my concern is that some of these investigations and ongoing personnel suspensions could be at no fault to the officer. It could be a departmental thing, it could be an ongoing issue, and a one-year time frame may or may not be a fair issue.

"So my concern was that if these things get published without a full completion, that this may unduly prejudice their process for fair investigation through the human resources process. So, that's my reservation. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. I'd like to include the comments from the Representatives from Kauai as well as Mililani into the Journal as if they were my own. Thank you, Mr. Speaker. My reservations on Senate Bill 2591, Senate Draft 1, House Draft 1, stems from the testimony provided by SHOPO, that I found quite compelling. And as

stated in their testimony by President Tenari Maafala, he talks about how the system that now exists is not broken. Why do we need to fix it?

"Also, looking at the statistical information, they had 5.3 complaints per 1,000 public contacts. Part of my concern is that the 1,000 contacts may become tarnished in relationship to the number of complaints. Thirdly, as stated in their testimony, annual misconduct reports are provided to the Legislature. And fourthly, when county prosecutors believe there's sufficient evidence, there's already reports that can be obtained by the general public. For these points, Mr. Speaker, I stand in strong reservations."

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

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

"Thank you, Mr. Speaker. Please note my strong reservations on this measure. May I please have the words from the good Representative from Kauai and the good Representative from Nanakuli entered into the Journal as if they were my own? Thank you very much, Mr. Speaker," and the Chair "so ordered." (By reference only.) [Note: Representative Jordan later changed her vote to a no vote.]

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

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

"Mr. Speaker, I'll be voting no on this measure. I heard the remarks of the Representative from Mililani, and I need to maybe expand upon that. But this is a very important issue of accountability for our police officers, and it's only that because they are public employees. One of the concerns I have, first of all, looking at the document itself, is this never had the scrutiny imposed upon it that you would hope it would from the employer-employee perspective.

"I note that the Committee on Labor did not have the opportunity to review this particular measure, and that gives me a grave concern about whether or not we properly and adequately considered the interest of both the employer, as well as the employee.

"The very fact that one can bring an allegation against an officer for misconduct and then subsequently require a disclosure of that internal proceeding in subsequent reports on an annual basis until it's finally resolved, could tilt the perception of misconduct or error of law or judgment against the police officer, even though, Mr. Speaker, at the end of the day, at the end of the review process, no finding of any wrongdoing or bad acts by the officer. That's a concern that I have.

"I don't really know much about the current issue or what needs to be fixed in this current law, Mr. Speaker. It's not been brought to my attention by the county councils, the respective mayors, any of the other interested parties that seem to have testified on this measure. But I just have some grave concerns.

"I know that the Chair of the Judiciary Committee would hope that they would have further time to work on this bill. But again, this current draft before us is effective upon approval. And then, it basically allows the Judiciary Chair on the Senate side to decide whether or not this bill is approved and goes to the Governor's desk for approval or enactment through passage of time. And that's why at this at point in time, I will be voting no. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations, brief comment. Mr. Speaker, first responders being accountable, yes. But first responders being accountable to politicians, no. This is structured too much like the third world, and

that's dangerous to mix the two together. For those reasons, strong reservations."

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

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on SB 2591, SD1, HD1. While I am sensitive to the idea that instances of misconduct on the part of police officers ought to be handled with the highest level of concern, I believe that this bill may have the potential to cause undue harm to officers who may not be guilty of misconduct. I believe that we must balance the idea of accountability to the public with the necessity to protect the reputation of our law enforcement community."

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

"Thank you, with reservations. They're slight, only in the sense that the other day we had a bill and we were talking about if we actually put this in law, would it deter people from reporting things? I just have concerns if we get too heavy-handed with someone maybe suspended for a year, would that maybe end up being where the suspension ends up being only six months or nine months, because they really don't want this to be published? So, I just don't want any unintended consequence. So, that's my slight reservation. Thank you."

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

Representative Say rose and asked that the Clerk record a no vote 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 Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Mr. Speaker, I need a ruling on a conflict. My nephew is a lawman," and the Chair ruled, "no conflict."

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

Representative Tokioka rose, stating:

"Thank you, Mr. Speaker. Mr. Speaker, given the comments that we heard, I'd like to change my vote 'with reservations, strong reservations,' to a no vote, Mr. Speaker. And I'd like to ask that the words of the Representative from Wahiawa and the Representative from Kapolei be inserted into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Kawakami rose, stating:

"Same request, reservations to opposition. Thank you."

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

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

At 12:54 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.

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

Representative Yamane rose, stating:

"Thank you, Mr. Speaker. I'll be changing my reservations to a no vote, Mr. Speaker. And can I just briefly explain why? Mr. Speaker, the current department, just in Honolulu alone, there are over 300 vacancies, as well as at least 200-plus officers eligible currently to retire. And so, with measures like this, Mr. Speaker, as expressed by the Honolulu Police Department Officers, that this may send the wrong message and directly impact recruiting, as well as the confidence that the officers and their families have in a system for their protection. So I would like to cast a no vote. Thank you."

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

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2591, SD1, HD1."

"I rise in opposition because foremost, I believe that it will impede on the recruitment of police officers throughout the State of Hawaii. Honolulu Police Department alone has a shortage of 300 officers. With over 200 other officers in consideration for retirement, the gap widens between how many bona fide officers are needed to sufficiently protect our communities and how many officers are still needed to be recruited. This gap thus poses a threat to the public safety of our citizens."

"Secondly, as written in the State of Hawaii Organization of Police Officers (SHOPO) testimony, the Chiefs of Police of each county police department already have internal policies to investigate police misconduct and to impose discipline as deemed fit. The Chiefs are accountable to their respective Police Commissions – comprised of citizens from the community – for handling police misconduct."

"Lastly, there are already current practices and standards that are in place and passing this measure will 'reinvent the wheel.' Whenever county prosecutors believe there is adequate evidence to proceed against a police officer for alleged criminal conduct, they file documents in court naming the officer that are then made available to the public. Annual misconduct reports are already submitted to the Legislature by the Chiefs of Police that provide additional information."

"It is for these reasons that I oppose SB 2591, SD1, HD1."

Representative Ward rose, stating:

"Mr. Speaker, I too have been converted at the recess. Reservations to a no vote, please."

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

"Mr. Speaker, in support. Just to point out what the bill does and doesn't do. First, it asks for a little bit more information than we already require. The current statute does require some information, but it's very hard to follow the disciplinary actions from year-to-year. This does ask for a little bit more information. But the names of officers are not revealed under any circumstances until the entire internal appeals process has been completed. And even then, it's at least 30 days after that."

"So, I think there was some question about whether that's the case. But you can read it in the bill itself, it says no names are revealed until after the whole process is over, plus 30 days. Thank you."

Representative Awana rose, stating:

"Thank you, Mr. Speaker. I was so compelled by the previous speakers, as well as after reviewing my own testimony. I'm changing my 'with reservations' to a no vote. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2591, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," passed Third Reading by a vote of 30 ayes to 18 noes, with Representatives Aquino, Awana, Carroll, Choy, Cullen, Fale, Hanohano, Har, Ito, Jordan, Kawakami, McDermott, Oshiro, Say, Tokioka, Tsuji, Ward and Yamane voting no, and with Representatives Cachola, Hashem and Wooley being excused.

S.B. No. 2633, SD 1, HD 1:

Representative Saiki moved that S.B. No. 2633, SD 1, HD 1 pass Third Reading, seconded by Representative Cabanilla.

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

"Please note my reservations on this measure. I will look forward to what comes out of conference, and then I'll make my final decision after that. Thank you, Mr. Speaker."

Representative Yamane 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 Kawakami 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."

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

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

Representative Say 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 S.B. No. 2633, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PROPERTY," passed Third Reading by a vote of 48 ayes, with Representatives Cachola, Hashem and Wooley being excused.

At 1:02 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2331, SD 2, HD 1
S.B. No. 2801, HD 1
S.B. No. 2591, SD 1, HD 1
S.B. No. 2633, SD 1, HD 1

ANNOUNCEMENTS

Representative Takai: "Thank you, Mr. Speaker. With your permission I'd like to acknowledge some of the people that participated in and assisted with the Hawaii Medal of Honor Ceremony last Tuesday. Thank you, Mr. Speaker. You know, I want to make sure that we thank the people that made the event possible. And first, Mr. Speaker, I wanted to thank you for giving me the opportunity to once again coordinate this year's Hawaii Medal of Honor Ceremony, as well as the preparations prior. But it took

many, many people and I would like to at this time acknowledge some of them.

"I'd like to first thank all of our staff here and in the Senate. House Chief Clerk Brian Takeshita, and his staff. Senate Chief Clerk Carol Taniguchi, and her staff. House Sergeant-at-Arms Kevin Kuroda, and his staff. Senate Sergeant-at-Arms Ben Villafior, and his staff. And Joan Yamaguchi from the House Majority Staff Office, and her staff.

"We also got a lot of support and assistance from the military, and I would like to recognize Elisia Lukasik from the US Pacific Command, who helped us with coordinating the ceremony participants, Master Sergeant Darrell Bactad for coordinating the Hawaii Air National Guard Royal Guard, and Leighton Siu from the 8th Theater Sustainment Command, who helped us with protocol.

"Thank you also to Richard Ah Lee Sam from the House Clerk's Office for his beautiful rendition of our National Anthem and all three verses of our Hawai'i Pono'i.

"I wanted to mention some individuals who helped us throughout the year in identifying the people that we recognized Tuesday. From the Army, we had Ernestine Pratt, Chief of the Hawaii Casualty Assistance Center at Schofield. From the Navy, we had Agnes Tauyan from Director of Public Affairs at Joint Base Hawaii Pearl Harbor Hickam. From the Air Force, we had Minnie Allen, Casualty Assistance Counselor for the Airman and Family Readiness Section. And from the Marines, we had Peter Swainson, Director of Manpower, Personnel and Administration.

"Mr. Speaker and colleagues, as all of you have noticed, the medal itself is a beautiful symbol of our love for these families. And I wanted to once again thank Sergeant First Class Retired Aaron Pollick, who came up with the initial design. But with that, a lot of other people participated, namely Troy Headley from Point Emblems for minting the medal. Kent Untermann and Suzette Torres from Pictures Plus who did the assembly and framing. Rose Lee who helped us sew the ribbons. And Ty and Cindy Tamanaha from Awardline who helped us with the plaques.

"In addition, I would like to acknowledge those who helped us enrich the experiences for the families who traveled, in some cases, many miles. We worked very closely with the Pearl Harbor Historic Sites, namely the Arizona, the Bowfin, the Missouri, and the Pacific Aviation Museum, who came through with support for the families. The Hale Koa Hotel and the Polynesian Cultural Center came through as well, and we worked specifically with the Hawaii Lodging and Tourism Association to provide discounted hotel rates at participating hotels for the families. All of these organizations and entities helped us, as we helped the families that made this special visit to Hawaii possible.

"We also had a beautiful reception following the ceremony. I wanted to especially thank Roxanne Kamalu from Representative Ito's office and Janis Higaki from the House Clerk's Office for coordinating this effort. A big *mahalo* goes to the office managers and staff from Representative Ito's office, Representative Brower's office, Representative Cachola's office, Representative McKelvey's office, Representative Ohno's office, Representative Choy's office, and Representative Onishi's office, for helping with the check-in table and reception.

"Also, thank you to Lila Frisbee and the Girl Scout Council of Hawaii for their generous gift of Girl Scout cookies distributed to each of the families being honored and all of our Hawaii Gold Star families that attended the ceremony.

"Many people, again, were asking about the 'Olelo Broadcast, and I wanted to make mention that we will, with the thank you to Capitol TV, we will be graciously providing a DVD to each family, both present and not present at Tuesday's ceremony.

"Mr. Speaker, we all know as Representatives that much of our success and the things that we do in this Chamber, as well as in our communities, are the direct results of our staff. And I wanted to at this time, acknowledge Denise Liu from your office, Terrence Aratani from Senate President Kim's office, and Marlene Uesugi from Senator Espero's office.

And from my staff in particular, I wanted to recognize and thank my office manager Lisa Vargas, Candace Kaawaloa, Klaire Marie Trajano and Michael Hall.

"For us here in Hawaii, this has become an ongoing project over the last 10 years, and it has been a privilege and honor to award our medal. From March 29, 2003 to January 20, 2014, the Legislature has awarded 331 service members and their families with the Hawaii Medal of Honor. And by doing so, Mr. Speaker, we have forever made them a part of our *'ohana*.

"Mr. Speaker, I'd like to at this time ask my staff people that I recognized, if they can stand and if we could recognize them. So Lisa, Klaire, Candace and Michael, can we give them a hand? And, Mr. Speaker, all the people that I mentioned previously, if we could give them a round of applause. Thank you, Mr. Speaker."

Representative Ward: "Mr. Speaker, there is one *mahalo* conspicuously absent in the former gentleman's speech. Could we give Representative Mark Takai a round of applause for all that he's done."

Representative Belatti: "Mr. Speaker, thank you. I'll be very brief. I just wanted to inform, for all of you who are going to be working late tonight. If you notice that the Capitol is lit up blue today, the Hawaii State Capitol is joining the global awareness initiative by Autism Speaks where buildings around the globe are being lit up blue to raise awareness. So we'll be joining the ranks of the Seattle Space Needle, the White House, the Empire State Building, and the Sydney Opera House, as many of those buildings are being lit up blue.

"We know from a CDC report that was recently released that 1 in 68 children are afflicted with autism. That this is an affliction for boys more acutely, where 1 in 42 boys are suffering with autism and 1 in 189 girls have and live with autism. So thank you, Mr. Speaker. And please join us in autism awareness. Thank you."

Representative Hanohano: "I just wanted to inform you, there's a card on your desk, and this is for the closing night film of the Hawaii International Film Festival. They'll be featuring Kumu Hina and The True Meaning of Aloha. It's going to be playing Thursday, April 10th at 7 p.m. at Hawaii Theatre Center. Thank you."

At this time, the Chair stated:

"We have the first crossover filing deadline for House Concurrent Resolutions tonight at 6 p.m. So make sure you get it all done, otherwise *make*. And item number two, non-finance single referral bills filing deadline is tonight at 9 p.m."

At 1:11 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

ADJOURNMENT

At 1:12 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 3, 2014. (Representatives Cachola, Hashem, Tokioka and Wooley were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 2, 2014, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 1881, SD 1