

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2015

***ROUGH DRAFT
JOURNAL***

**ELEVENTH DAY
FEBRUARY 6, 2015**

OFFICE OF THE CHIEF CLERK

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ELEVENTH DAY

Friday, February 6, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:05 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Senior Pastor Mike Kai of Inspire Church, after which the Roll was called showing all Members present with the exception of Representatives Matsumoto and Tokioka, who were excused.

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

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

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

"*Mahalo*, Mr. Speaker. *O Kūpono ka hua 'ōlelo o ka lā. Kūpono*, upright, perpendicular, honest, decent, proper, appropriate, satisfactory, rightful, reliable, just.

"*Ho'oholo kūpono nā Lunamaka'āinana o ka 'Aha 'Ōlelo i nā palapala kānāwai e 'āpono ai*. The Representatives of the Legislature decide justly which bills should pass. *Mahalo*."

INTRODUCTIONS

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

Representative Kawakami introduced his friend and constituent, Mr. Robert Cremer, Jr., hunting advocate.

Representative Onishi introduced Mr. Ryan Kohatsu, Mr. Tony Sylvester and Mrs. Michelle Sylvester, advocates for hunting and sustainability on the Big Island.

Representative Oshiro introduced Mr. Mark Villanueva from Wahiawa.

Representative Ing introduced Mr. Jeffery De Rego, hunting advocate from Maui.

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

The House of Representatives reconvened at 12:23 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 12) recommending that H.B. No. 1000 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. 1000 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, I'd like to ask for a potential ruling on a conflict of interest. I work for a franchise. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1000, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 13) recommending that H.B. No. 230 pass Second Reading and be referred to the Committee on Water & Land.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 230 pass Second Reading and be referred to the Committee on Water & Land, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm rising in support but I would like to clarify my understanding of what the bill provides. This is in relation to public schools and public school lands. The bill is clarifying that this must be to benefit educational purposes. And then I look at page 3 of the bill, subsection 4, and it states that the Department of Education can enter into a lease-back agreement that will allow the department to lease to a third party.

"I look at that like the Forest City model, where Forest City developed housing for the military. And then the provision goes on that then the department can lease back the property, say from the Forest City operation, and then the military in that case owns the property at the end of a set term.

"That to me seems like a good model that we would have, where the department could work with a third party, develop new schools, lease them back, and at the end of a period of time own them. But my colleague has a question that she wants to ask, and if I could defer to her, please."

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

"Thank you, Mr. Speaker. My colleague brings up a good point. I did vote aye on this bill. I did think that it was a good bill. I'm rising in support with a possible amendment. I believe that in the clause that states that for the third-party, on page 3, House Bill Number 230, Section 4, where it says, 'to lease or sublease the property to a third party,' line 21, to add, 'for educational purposes.'

"There's just a little ambiguity that could lead to non-educational issues, and the intent of this bill is to secure the lands for educational purposes. So it would help to secure that, the third party would stay in line with the intent of the bill. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of the bill with a comment, followed by a request for the previous two speaker's comments to be entered into the journal as if my own with one added footnote. This has a slight smell of the PLDC and I think it needs to be cleared up. Thank you," and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 230, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Second Reading and was referred to the Committee on Water & Land, with Representative Jordan voting aye with reservations, and with Representatives Har, Matsumoto and Tokioka being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 14) recommending that H.B. No. 340 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. 340 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Just note my reservations on this matter. We'll get into it more in CPC, but for right now just note my reservations on this matter."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 340, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McKelvey voting aye with reservations, and with Representatives Har, Matsumoto and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 15) recommending that H.B. No. 538, 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 Evans and carried, the report of the Committee was adopted and H.B. No. 538, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 16) recommending that H.B. No. 467, 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. 467, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Ruling on a potential conflict. My wife works at a birthing facility," and the Chair ruled, "no conflict."

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

"Mr. Speaker, possible ruling on a conflict of interest. My wife and my daughter are in the healthcare business," and the Chair ruled, "no conflict."

Representative Cachola continued, stating:

"And I hope that anything that has something to do with the practice of medicine on future legislation, that again your ruling will apply to those bills coming forward."

The Chair addressed Representative Cachola, stating:

"Alright. Thank you, 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. 467, 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 Har, Matsumoto and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 17) recommending that H.B. No. 578, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 578, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 18) recommending that H.B. No. 827, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A MIXED-USE RESIDENTIAL PROJECT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 19) recommending that H.B. No. 768, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 20) recommending that H.B. No. 126 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 126, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 21) recommending that H.B. No. 391 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 391, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 22) recommending that H.B. No. 18, 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. 18, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 18, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Jordan voting aye with reservations, and with Representatives Har, Matsumoto and Tokioka being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 23) recommending that H.B. No. 278, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 278, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DWELLING UNIT REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Matsumoto and Tokioka being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 24) recommending that H.B. No. 397, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFTERSCHOOL PROGRAMS," passed Second Reading and was referred to the Committee on Education, with Representatives Har, Matsumoto and Tokioka being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Tupola and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Har, Matsumoto and Tokioka were excused.)

THIRD READING

H.B. No. 1465:

Representative Saiki moved that H.B. No. 1465 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in support of the bill today, as I did yesterday, except yesterday my caveat was interpreted 'with reservations,' so I would ask that that reservation be taken away, because I didn't speak with reservations, only a caveat. What I said was, we haven't reached C-SPAN status, open, transparent, and all of our hearings are televised and given to the public. That was my caveat, which is kind of like a yellow highlighter, says, hey look at this. It doesn't say 'with reservations' about the accuracy of it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1465, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed Third Reading by a vote of 47 ayes, with Representatives Har, Matsumoto and Tokioka being excused.

H.B. No. 930:

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 930, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OFFICE OF THE GOVERNOR," passed Third Reading by a vote of 47 ayes, with Representatives Har, Matsumoto and Tokioka being excused.

At 12:33 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1465
H.B. No. 930

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 32) was referred to Printing and further action was deferred:

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONTINUE TO PROVIDE REFUSE COLLECTION SERVICES IN FULL WITHOUT ADDITIONAL CHARGES OR FEES," was offered by Representative McDermott.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
12	Committee on Human Services, then to the Committee on Judiciary
13	Committee on Transportation, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
30	Committee on Human Services, then to the Committee on Judiciary
31	Committee on Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
467, HD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
483	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary
895	Committee on Economic Development & Business, then to the Committee on Finance
1240	Committee on Finance
1384	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1460	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

ADJOURNMENT

At 12:35 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 9, 2015. (Representatives Har, Matsumoto and Tokioka were excused.)