

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2015

***ROUGH DRAFT
JOURNAL***

**FOURTEENTH DAY
FEBRUARY 12, 2015**

OFFICE OF THE CHIEF CLERK

BT

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FOURTEENTH DAY

Thursday, February 12, 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 Vice Speaker Mizuno presiding.

The invocation was delivered by Reverend Glenn Nochi of Bodaiji Mission, after which the Roll was called showing all Members present with the exception of Representative LoPresti, who was excused.

On motion by Representative Evans, seconded by Representative Tupola and carried, reading of the Journal was dispensed with and the Journals of the Fourth and Fifth Days were approved. (Representatives Hashem and LoPresti were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 197 through 207) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 197, dated February 2, 2015, transmitting the Lead by Example State of Hawaii Agencies' Energy Initiatives for Fiscal Year 2013-2014, prepared by the Hawaii State Energy Office pursuant to Act 96, SLH 2006.

Gov. Msg. No. 198, dated February 2, 2015, transmitting the Green Infrastructure Authority's Activities Report, prepared by the Department of Business, Economic Development & Tourism pursuant to Act 211, SLH 2013.

Gov. Msg. No. 199, dated February 2, 2015, transmitting the Motion Picture, Digital Media, and Film Production Income Tax Credit for Fiscal Year 2014, prepared by the Department of Business, Economic Development & Tourism pursuant to Act 89, SLH 2013.

Gov. Msg. No. 200, dated February 2, 2015, transmitting the State of Hawaii Comprehensive Annual Financial Report, for the Fiscal Year ending June 30, 2014, prepared by the Department of Accounting and General Services pursuant to Section 40-5, HRS.

Gov. Msg. No. 201, dated February 2, 2015, transmitting the Department of Education's Annual Report on the Number of Due Process Hearings Related to Reimbursement of Private School Tuition, prepared by the Department of Education pursuant to Section 302A-443(e), HRS.

Gov. Msg. No. 202, dated February 2, 2015, transmitting the State Foundation on Culture and the Arts Annual Report for Fiscal Year 2013-2014, prepared by the State Foundation on Culture and the Arts pursuant to Section 9-3(8), HRS.

Gov. Msg. No. 203, dated February 2, 2015, transmitting the Department of Education's Utility Expenditures Report, prepared by the Department of Education pursuant to Act 122, Section 4(21), SLH 2014.

Gov. Msg. No. 204, dated February 5, 2015, transmitting the Annual Report of the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, prepared by the Department of Health pursuant to Section 340B-12, HRS.

Gov. Msg. No. 205, dated February 5, 2015, transmitting the Department of Human Services' Benefits, Employment, and Support Services Division's Report on the TANF and TAONF Programs, prepared by the Department of Human Services pursuant to Act 134, Section 118, SLH 2013.

Gov. Msg. No. 206, dated February 2, 2015, transmitting the Department of Education's Pilot Project for the Lease of Public School Lands Report, prepared by the Department of Education pursuant to Act 155, SLH 2013.

Gov. Msg. No. 207, dated February 10, 2015, transmitting proposed changes to the General Appropriations Act (House Bill No. 500).

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 65) was received by the Clerk and as placed on file:

Dept. Comm. No. 65, from the University of Hawaii, dated February 3, 2015, transmitting the Annual Report from the Hawaii Medical Council, pursuant to Section 304A-1704, HRS

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

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

"Thank you, Mr. Speaker. *Aloha* and thank you for allowing me to choose the Hawaiian word for today. The word I've selected is *mana'o*. In Hawaiian, *mana'o* means thoughts, ideas, knowledge, or opinions. The sentence I've chosen for today using the word *mana'o* is I think appropriate for all of us. The sentence is, *he mana'o ko'u*. What it means in English is, I have an idea. And I think all of us have many ideas. Thank you."

INTRODUCTIONS

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

Representative Ward introduced Mr. Richard Honma, DOT retiree from Hawaii Kai.

Representative Pouha introduced his intern, Tasi Taylor from Brigham Young University Hawaii campus.

Representative Tokioka introduced a friend and business leader from Kauai, Mr. Ryan Mackey.

Representative Ward introduced Kauai Councilmember Gary Hooser.

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 12:26 o'clock p.m.

Representative Onishi introduced Hawaii Crop Improvement Association employees.

Representative Cullen introduced his uncle, Mr. Gordon Pekelo.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 119) recommending that H.B. No. 413, 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. 413, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representatives Belatti and Morikawa, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep. No. 120) recommending that H.B. No. 580, 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 Committees was adopted and H.B. No. 580, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSURE OF DURABLE MEDICAL EQUIPMENT SUPPLIERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 121) recommending that H.B. No. 821 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. 821 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I request a ruling on a potential conflict. My spouse is a lobbyist pertaining to the subject matter to this bill," and the Chair ruled, "no conflict."

Representative Keohokalole continued, stating:

"May I request that this ruling pertain to any subject matter for the remainder of the session?"

The Chair addressed Representative Keohokalole, stating:

"Absolutely, so long as you do not have actual dealings in a bill before us, it will relate to the rest of the session."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 821, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representatives Takumi and Choy, for the Committee on Education and the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 122) recommending that H.B. No. 95 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 Committees was adopted and H.B. No. 95, entitled: "A BILL FOR AN ACT RELATING TO DUAL CREDIT PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 123) recommending that H.B. No. 657, 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. 657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 124) recommending that H.B. No. 1505, 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. 1505,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 125) recommending that H.B. No. 395, 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. 395, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition to this measure. I think it's duplicative in nature and I think one of my colleagues will address the myriad of layers and duplicity that this bill is going to create and that the, quote, unquote, 'problem,' is already being addressed.

"Mr. Speaker, my concern is it undermines parental authority. A child can leave the home and be in crisis for feeling judged. The bill laments that a children can feel judged. If a child runs away and this agency or worker is called, and the child can say, I don't want to go home. Why? Well I don't wanna. Do you feel unsafe, the social worker will ask. Yes, it's unsafe.

"So then the 14-year-old goes to foster care. And for the parents, now because the child with a little bit of coaching or the social worker erroring on the side of caution, as we always want them to do, and there's a lot of great social workers, deems that this might be unsafe, now the child is placed in foster care. Because the word 'unsafe' has been raised, now the parents have to go to family court to get their child back, because unsafe is a very high standard. In fact, that's the only way you can remove a child from a parent's home is if it's unsafe. Not if they're feeling judged, not if they're in crisis. If it's unsafe. It's a constitutional standard, Mr. Speaker.

"So now the parents have to go to family court because they told Johnny, Johnny, we don't want you to smoke pot and drink beer, you've got to be home by 10:00 at night. Johnny doesn't like that, Johnny comes home at 11, reeking of reefer and they chew him out. They ground him, they take away his cellphone, he runs away. I don't want to be there anymore. They hassle me, they're coming down on me. Really? Yeah, I'm afraid to go home, my dad's going to give me lickings. Really, Johnny, well that could be unsafe.

"Now they've got to go to family court to get their child back. And who makes this determination? Not the parents. A total stranger makes this determination, Mr. Speaker. And what we have done is now tip the balance of power in that family relationship to the 14-year-old, to the 15-year-old, and not the parents. Because anytime he now or she now wants to yank their chain, just takes off, they've got to go to family court.

"I can see parents showing up in family court 3 or 4 times. Finally, they give up. Do whatever you want. Parent's job is to mold and care for their children and teach them the values and the character that they want their children to have. We constantly second guess parents, we don't think they're doing a good job. I don't know where these parents live because I haven't met them.

"Now not every parent's perfect, least of all the one standing right in front of you. But we do the best we can and this undermines parental authority, Mr. Speaker. Tips the scales in the balance of the child.

"And then these children can access services without their parents knowing. So a 13-year-old girl is pregnant, she wants to have an abortion, or the social worker, who probably I'm guessing is not conservative, says, you know, family planning, you probably should have an abortion, that's a good thing to do. Where the parents might have a different take on it. And the parents are responsible for that child, and the parents may want to *hanai* that child and not have her have an abortion. But they don't get a say in the matter because that decision is now made with the social worker

who intervenes and makes a decision for the parents with the 13- or 14-year-old.

"We're undermining parental authority, Mr. Speaker, and I've been here long enough to see that we chip away parental authority year after year, and I doubt that this will be the only bill this year that chips away at parental authority or parental involvement in a child's life. That's a prediction I'm going to make, Mr. Speaker. So for those reasons, I stand in opposition. Thank you."

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

"Mr. Speaker, I rise in opposition with similar concerns. I think that any time we're talking about taking away parental rights, we should rethink the bill. I think the intent to keep children safe is admirable, I think they should feel safe. I am concerned that declaring your home as an unsafe place and running away is going to be a problem for Samoans, where we always feel like maybe there is something unsafe happening. I think for certain cultural reasons, I think this bill might not be able to protect all of those things and we should probably go back to the drawing board and rethink how we can keep kids safe without taking away parental rights but still mind ourselves of cultural norms and respectfulness between parents and children. So with those reasons, I stand to rethink what maybe is inside this bill."

Representative Yamane rose, stating:

"Mr. Speaker, standing up with a personal privilege. Mr. Speaker, I'm standing because comments made regarding social workers, as a social worker whose professional career includes working with adolescents, I wanted to clarify the role and the code of social workers who work in the field.

"Mr. Speaker, due to professional code, we do not interject our personal ideations and views onto when we deal with child, especially with child safety. We follow the law, Mr. Speaker. Our charge, when we get involved with any case, any case, is not about our own personal views, but ensuring the safety of that child. And the ultimate goal is reunification. So any insinuations or lack of information that shows otherwise does not truly indicate and respect the role of a professional social worker. Thank you."

Representative McDermott rose to respond, stating:

"Yes, sir. I meant no disrespect to my colleague. He is a nice man, a wonderful man, and knows many things that I have no idea about, and that wasn't a personal slight at you, please, I respect you enormously, I certainly do.

"However, Mr. Speaker, my experience is also a little different. I've been in family court probably 25 times, and I've dealt with a myriad of social workers. And I have found some that are fantastic and some that aren't so good, just like us in this Chamber, just like any people from the walk of human life. And I don't have confidence that every one of them is as good as our good friend here. He's held to a standard that in my view is top notch, but there are some that aren't very good and I had to deal with them, Mr. Speaker. Jerked around like you wouldn't believe. My good friend from Hawaii Kai knows some of the story about that. But it went on for five years. But in the course of that, we did deal with some good ones as well.

"So this is to protect the parents, Mr. Speaker. And again, parents have rights. The children are the charge of the parents, unless it's unsafe, which is a constitutional standard that a judge has to make. And if a child says, I don't want to go home, I don't want to go home. What's wrong? I'm afraid I might get lickings. Okay, it might be unsafe. They have to err on the side of caution or they might get sued if they return that child home. They don't know, they only know what that 15-year-old is telling them. They make their best effort.

"Now there are some that are going to be over-aggressive. The point is, this tips the balance of power in the child's favor, because now the parents have to stand in front of family court and explain they did nothing wrong

except tell Johnny not to smoke reefer and get drunk and drive the family car and be home by 10:00. This is a real world issue, Mr. Speaker, it happens. Thank you."

At this time, the Chair stated:

"Thank you very much, Representative. Before we continue, I just wanted to point out Rule 27.7, which provides, 'It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.'

"So focus on the merits of the bill. Why is this bill good for the State of Hawaii, or why is this bill bad for the State of Hawaii. We'll keep it simple."

Representative Tupola rose to respond, stating:

"Just to reiterate maybe a few points, my concern is that nonprofits will be given unprecedented power to determine imminent harm, and so that's where all the hazy parts comes. If nonprofits are determining what imminent harm is, then where really are we as far as parental rights and keeping kids safe? That's my concern. Thank you."

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

"Mr. Chair, I rise in support. I would point out that this is basically a pilot program seeking appropriations. It does not say anything about defining parental rights, about what is safe and unsafe, that's all in another area and perhaps another bill. Thank you."

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

"Thank you, Mr. Speaker. With strong reservations. My concern is just that we're focusing on what's wrong with our families in Hawaii and not about what's right with our families, and trying to accentuate the positive things. I do recognize that this bill does address and recognize the cultural matters, the *aloha* spirit we try to live and pass our laws by. So I just want to make sure that we're not setting up something that creates more problems and challenges for our families. Our families already have a lot of challenges today. So thank you, Mr. Speaker."

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

Representative Tokioka rose, stating:

"Thank you, Mr. Speaker. A point of clarification. Are these Second Reading bills?"

The Chair then stated:

"You are correct, these are Second Reading bills."

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

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

"Mr. Speaker, with reservations, brief comment. Mr. Speaker, because we already have a wounded, wobbling and threatened family structure, I think anything that takes away from that, particularly parental rights as my colleague from Ewa Beach noted, I think we should probably stay away from that. We need to strengthen the family. I know the intent of those who are putting this forth is to strengthen the family, but the unintended consequence could be the exact opposite of that.

"Lastly, Mr. Speaker, I want to bear witness to the trauma experienced by my colleague from Ewa Beach when he did go through the process of the social worker and his children. So that was not a fabrication, choreographed, or otherwise made up. Thank you."

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

"Thank you, I rise in support. Thank you, Mr. Speaker. I want to speak as a Neighbor Island legislator in rural communities with challenges. I was fortunate when I grew up there was a YMCA, and kids that came from maybe distraught situations would go hang out at the Y and maybe for some kids they can have church programs, maybe they can go hang out at the church. Maybe for some kids they stay after school and maybe they develop that relationship with the teacher.

"But I really think this bill is about youth having, we wouldn't be here if the youth hadn't brought it up. If you look at the background of this you know it was the youth that brought this to legislators attention, that they wanted to have safe places to go, places to hang out. If things, they were stressed out, things weren't working for them, they needed to feel like they were just not roaming the streets. I can tell you in small towns, kids roam the streets. They don't have adults, they don't have places to go, and they get in trouble.

"So I think the safe places has a merit for discussion. We don't know how far it will go, but I think that the intentions are really good and we should keep it going. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 395, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Fukumoto Chang, Matsumoto, Pouha and Ward voting aye with reservations, with Representatives McDermott and Tupola voting no, and with Representative Lee being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 446, 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. 446, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADDRESS CONFIDENTIALITY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representatives Tsuji and Kawakami, for the Committee on Agriculture and the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 127) recommending that H.B. No. 506 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. 506, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representatives Tsuji and Kawakami, for the Committee on Agriculture and the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 649 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. 649, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCTS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 985 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. 985 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I'd like a ruling on a potential conflict of interest. My wife is Vice Chancellor for Hawaii Community College," and the Chair ruled, "no conflict."

Representative Onishi continued, stating:

"Mr. Speaker, can this request be applied to the rest of the session?"

The Chair addressed Representative Onishi, stating:

"So ordered."

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

"Mr. Speaker, I'd like a ruling on a potential conflict of interest. I'm employed by a private institution university that might be considered as a competitor to this institution," and the Chair ruled, "no conflict."

Representative LoPresti continued, stating:

"May that ruling stand for the remainder of this session, please?"

The Chair addressed Representative LoPresti, stating:

"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. 985, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII OPERATING COSTS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 906, 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. 906, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR CERTIFIED OR APPROVED HOUSING PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 131) recommending that H.B. No. 1016, 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. 1016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING VOUCHERS," passed Second Reading and was referred to the Committee on Education, with Representative Lee being excused.

Representatives Yamane and Ing, for the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 132) recommending that H.B. No. 438 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. 438, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO

THE KAHŌ'OLAWĒ ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 133) recommending that H.B. No. 443 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. 443, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPDATE AGRICULTURAL SOIL CLASSIFICATIONS AND MAPS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 134) recommending that H.B. No. 441 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. 441, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE INFRASTRUCTURE CAPACITY BUILDING CONSTRUCTION FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 515, 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. 515, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REMNANTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 955 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. 955, entitled: "A BILL FOR AN ACT RELATING TO USE PERMITS FOR SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 1029 pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1029, entitled: "A BILL FOR AN ACT RELATING TO THE ENDANGERED SPECIES RECOVERY COMMITTEE," passed Second Reading and was referred to the Committee on Higher Education, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 1136 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. 1136, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 152, 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. 152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 140) recommending that H.B. No. 279, 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. 279, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 692 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. 692, entitled: "A BILL FOR AN ACT RELATING TO CROWDFUNDING," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Takayama, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 142) recommending that H.B. No. 998, 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. 998, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 723, 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. 723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 999, 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. 999, HD 1 pass Second Reading and be referred to the Committee on Finance, 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."

Representative Tokioka 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. 999, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Jordan and Tokioka voting aye with reservations, and with Representative Lee being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 509, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF TARO," passed Second Reading and was referred to the Committee on Water & Land, with Representative Lee being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 146) recommending that H.B. No. 849 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. 849 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm rising to speak against House Bill 849, Standing Committee Report No. 146. Mr. Speaker, this bill, I think, is a serious mistake for the Members of this House to send forward. I signed onto the bill and I sincerely regret doing that. The city, the counties, our neighbor island counties and our local county, have an inherent authority to protect the public trust pursuant to Article XI, Section 1 of the Hawaii State Constitution, and to protect health, life and property as provided in HRS 46-1.513.

"This bill preempts county authority, loud and clear. Any Member here who is from a neighbor island, this bill takes away county's authority. House Bill 849 will prevent counties from enacting any laws which could possibly be seen as abridging the rights of farmers, because the language contained in the bill is too broad. House Bill 849 can unveil a lack of enforcement and regulation with respect to nuisances by limiting the powers of the county and transferring all authority to the State.

"There was a Supreme Court case, *Richardson v. City and County of Honolulu*, and in that case the court said, if the State has an exclusive mechanism for regulating, the country then gets preempted from establishing new laws or regulations in the same manner. House Bill 849 does this, it takes agriculture out of the hands of the counties, and the health and safety related to agriculture out of the hands of the counties. This is a clear preemption bill, an anti-home rule bill.

"House Bill 849 fundamentally changes the framework of powers between the State and counties by eliminating their ability to enact laws, ordinances, or regulations covering agriculture practices not prohibited by either federal or State laws.

"House Bill 849 repeals county's powers completely in the area of agriculture. Do you want to have that happen, you from the neighbor islands? I'm sorry, Mr. Speaker, I will talk to you. Do the neighbor island Members want to have that happen and to have home rule taken away from them. This denies the counties the power to protect human health, help the farm workers, in connection with this bill.

"Syngenta Seeds and the County of Kauai, although that was decided in favor of Syngenta Seeds, the court reasoned that the general statutory grant of authority to protect health, life and property, along with a constitutional mandate to protect the public trust pursuant to Article XI, Section 1, was the basis for the county's invoked authority when they enacted their ordinance 960. The court added that the fact that the State Constitution declares agriculture to be of statewide concern does not, and I repeat, does not by itself preclude all county regulations in the entire field of agriculture."

Representative Fukumoto Chang rose to yield her time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Again, the court said it does not preclude all county regulation in the entire field of agriculture. But House Bill 849 does. That's the bill we're voting on today, Mr. Speaker, House Bill 849 does. And then also, this, the court went on, this does not preclude counties from enacting ordinances affecting either area where an ordinance falls under the county's generally granted powers, and it cites *Richardson v. City and County of Honolulu*, effectively holding that counties may still have the authority to regulate in areas of statewide concern, absent some additional basis for preemption.

"House Bill 849 that we're voting on today preempts the counties, takes away their authority over health and safety and local issues, where agriculture is concerned, carving out a broad exemption that the counties no longer have the authority to deal with agricultural issues where they affect the health and safety of their communities, or other land use issues that were in their purview.

"And then I conclude, Mr. Speaker, House Bill 849 terminates the county's constitutional and statutory rights by terminating the county's responsibilities and power to protect the health, life and property when it involves agriculture. This bill increases the State's responsibilities and liabilities, because now there'll be a total void where the State has to step in and legislate over county areas. And do we have the money or the will or the interest to do that as a State? It ends the checks and balances that traditionally have existed between the different branches of the government by blocking any possibility of the counties legislating in the agricultural area. Mr. Speaker, this is a bad bill, and it should not move forward, and I cast a resounding no vote. Thank you."

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

"Mr. Speaker, I rise in strong support of this bill. Mr. Speaker, the introduction of this bill is in direct reference to two cases that were adjudicated in court regarding county ordinances in regards to agriculture and the ability for farmers to farm. In both cases, the court decided that the bills, the laws that were enacted, ordinances enacted by the counties, were not justified because the State has the responsibility of overseeing agriculture in the State, and it's the State's responsibility to ensure that the health and safety and the way that farmers farm is safe for everyone in the State of Hawaii.

"This has nothing to do with preempting county rights. This is judgment that was made by the courts, and this bill just reiterates that fact. Thank you, Mr. Speaker."

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

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

"I may have a conflict, can I have a ruling? My wife owns a large farm on the Big Island and she lets me live and work there," and the Chair ruled, "no conflict."

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

"Thank you. Mr. Speaker, I rise in opposition. I'd like the eloquent words of the first speaker to be recorded as my own. Thank you. I'd like to make some brief comments in opposition. Thank you. Now that my conflict is out of the way. Our counties are very different. They're very different. Oahu is much different from the Big Island. However, as a physician, I really resent the attempts by legislators here to limit the options of neighbor island councils to protect their island and their constituents. So I strongly support home rule by the counties, and I'm strongly in opposition to this bill. Thank you."

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

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

"Thank you, Mr. Speaker. I am rising, unfortunately, in opposition, but for completely different reasons than the previous speakers. I actually disagree with the previous speakers, because this is a policy that I've come to, in watching this going on for several years within this State. Mr. Speaker, this is not a county issue or a state issue, this is a federal issue, Mr. Speaker.

"Mr. Speaker, all over this country, states are looking at these issues and coming up with varying approaches and degrees that are creating an inconsistency that I think threaten the interstate commerce and what is truly important agriculture, which is economic opportunity, Mr. Speaker.

"You know during the campaign I was asked by a newspaper on the Maui then proposed initiative ordinance, and I said I was opposed to it. Why? Because I said this is a federal issue, Mr. Speaker. The feds, our Congressional delegation, needs to step up and show leadership and have this discussion in Washington D.C. with all the other states. This is something that needs to be handled by the feds.

"I've spoken out on bills where the State has come in and done the county's work. In my opinion, this is an area where we are basically doing things that the feds need to address, and that's the irony in all of this no matter happens. Because of this issue being handled in so many different ways, in so many different states, SCOTUS, the Supreme Court, will probably get this. If there is ever something that screams for federal intervention, why we give our sovereignty up as a state to the feds is for this very reason. Our founding fathers looked at inconsistencies across the states that threatens the fabric of interstate commerce and exchange, and that's why we have the sovereign authority of the federal government.

"So I speak in opposition of the bill because this is the federal government's purview, they need to step up and provide national leadership, so we have harmony in agriculture across the United States. Thank you."

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

"With reservations. I agree that there is a need for uniformity. I also, however, the State has not stepped in to those particular cases referred to by the Representative from the 3rd District. And until the State comes in with the regulations, I do not believe this bill is appropriate. I also echo and request that I can incorporate the comments made by the Representative of the 10th District. This is an interstate commerce issue. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I rise with reservations. I've gotten numerous phone calls about this bill and I've read through all the testimony, over 300 testimonies were submitted and probably more.

"My reservations are one, if we're really accomplishing what we intend to accomplish, and two, if it's directed at the right entity, as the previous speakers alluded to, and I think that we should all think about it because I think we could come to a solution but we should make sure that it's solving the problem and that it's directed to the right entity that should solve the problem. Thank you."

Representative Lowen 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:

"Thank you very much, Mr. Speaker. I'll be rising with reservations. I come from the community of Wahiawa, District 46, and we're an agricultural based community, post-plantation agriculture community. But we have the opportunity near and about my community to redevelop

agriculture activities on some important lands north of Wahiawa. So I would like to see how this discussion goes further.

"But at this point in time, given some of the concerns raised by my colleague from the Windward side regarding home rule and the importance of respecting the county's jurisdiction, especially in the neighbor island or rural communities, I need to study this matter even further. So I'll be voting with reservations. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition. I'm opposed on both philosophical grounds as well as practical grounds at the impact this bill would have, and I would like the comments from the Representatives from Districts 3, 10, and 50 entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I stand in opposition for the simple foundation of my beliefs in the value and purpose of home rule, and the simple fact that I believe this measure does nothing but further divide our community. We should be focusing on ways to support agriculture by investing in infrastructure, investing in storage, packing and processing facilities, and by providing aid to help farmers move their product to market. For these reasons, I stand in opposition. Thank you, Mr. Speaker."

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

"May I request a ruling on a potential conflict? My family has Peterson Egg Farm in Wahiawa," and the Chair ruled, "no conflict."

Representative Matsumoto continued and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Lowen rose, stating:

"Thank you, Mr. Speaker. I just want to request to change my reservations to a no vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Jordan, Keohokalole, Oshiro, San Buenaventura and Tupola voting aye with reservations, with Representatives Creagan, Ing, Kawakami, LoPresti, Lowen, Matsumoto, McKelvey and Thielen voting no, and with Representative Lee being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 147) recommending that H.B. No. 1010 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. 1010, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUTER BENEFITS PROGRAM," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 148) recommending that H.B. No. 1282, 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. 1282, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise in support with a request for entering comments into the Journal with a brief comment so the Finance Committee knows, Mr. Chair, this is worth \$20 million from NASA. They want to build it, all we have to do is just pass this with a small amount of money. Thank you."

Representative Ward's written remarks are as follows:

"Developing laser communication technology is crucial to meet the rising demand for information technology, space exploration, and national security. Hawaii presents a prime location for this broadband infrastructure project due to the tropical weather conditions and its position in the Pacific Rim. The heavy military presence on the island will enable this project to impact the military, intelligence, aerospace and academic communities, creating a comprehensive pool of expertise to help develop the project. I support this bill and the financial allotment that it entails."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND COMMUNICATIONS TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 1276, 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. 1276, HD 1 pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative Evans.

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

"Mr. Speaker, with reservations. Just a few words if I may, Mr. Speaker, because I might forget to submit written comments.

"Although I appreciate the intention of this measure and I do support my senior citizens remaining employed, and those employers that employ them, thank them. But I can't support a tax measure for half of their salary for up to six months. I'm not quite sure what would cause the effect on our General Funds, and at this moment in time I just have some concerns, and I'll stick with my reservations, Mr. Speaker."

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

"Really quick just with reservations. I would like the words of the previous speaker entered into the Journal as if they were my own. And just a quick note that the concern I have is that once the tax credit runs out, then the senior citizens are let go. Thank you very much," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Jordan and McKelvey voting aye with reservations, and with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 444, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH PROTECTION," passed Second Reading and was referred to the Committee on Tourism, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 518, 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. 518, HD 1 pass Second Reading and be referred to the Committee on Judiciary, 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. 518, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Jordan voting aye with reservations, and with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 155 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. 155, entitled: "A BILL FOR AN ACT RELATING TO THE WAILUKU STATE OFFICE MASTER PLAN," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 719 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. 719, entitled: "A BILL FOR AN ACT RELATING TO THE LAHAINA FLOOD CONTROL PROJECT," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 830 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. 830 pass Second Reading and be referred to the Committee on Finance, 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."

Representative Lowen rose and asked that the Clerk record an aye vote with reservations for her, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 830, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representatives Jordan, Lowen and McKelvey voting aye with reservations, and with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 957 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. 957, entitled: "A BILL FOR AN ACT RELATING TO FOREST STEWARDSHIP," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 156) recommending that H.B. No. 1469 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. 1469, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF TAX REVENUES," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 1409, 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. 1409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 1041, 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. 1041, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 799, 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. 799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM AERONAUTICS ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 160) recommending that H.B. No. 554, 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. 554, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 161) recommending that H.B. No. 517, 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. 517, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the

Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 162) recommending that H.B. No. 791 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. 791, entitled: "A BILL FOR AN ACT RELATING TO THE RETIREMENT OF JUDGES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 163) recommending that H.B. No. 1048 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. 1048 pass Second Reading and be referred to the Committee on Judiciary, 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."

Representative Oshiro 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1048, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Jordan and Oshiro voting aye with reservations, and with Representative Lee being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 164) recommending that H.B. No. 1474, 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. 1474, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 165) recommending that H.B. No. 1501, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and 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. 1501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 645 pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 645 pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

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

"Mr. Speaker, a no vote. My reasoning is that this is a federal government property, it's a federal government issue, and if they have a problem or it occurred on their property, they should be responsible for the cleanup, not the taxpayer, State of Hawaii. So I would encourage our delegation to work diligently, as I'm sure they are, on that matter. Thank you."

Representative Johanson rose in support of the measure 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 in support of HB 645, which makes an appropriation to address concerns relating to and the repair of the leaking underground fuel storage tanks at the Red Hill fuel storage facility. As the Representative of Red Hill, I am very much in support of taking action to ensure that last January's leaks at the underground storage facility at Red Hill do not affect the water supply. Passing this bill represents timely action, that may be needed in addition to federal remedies."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative McDermott voting no, and with Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 877, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR TAXES," passed Second Reading and was referred to the Committee on Transportation, with Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 168) recommending that H.B. No. 1005, 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. 1005, HD 1, 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 Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 1076 pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1076, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," passed Second Reading and was referred to the Committee on Higher Education, with Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 170) recommending that H.B. No. 1120 pass Second Reading and be referred to the Committee on Economic Development & Business.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1120, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Economic Development & Business, with Representative Lee being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 171) recommending that H.B. No. 1153 pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Transportation, with Representative Lee being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 502 pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 502, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Water & Land, with Representative Lee being excused.

Representatives Morikawa and Hashem, for the Committee on Human Services and the Committee on Housing, presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 734, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 734, HD 1 pass Second Reading and be referred to the Committee on Finance, 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 Committees was adopted and H.B. No. 734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Lee being excused.

Representatives Morikawa and Hashem, for the Committee on Human Services and the Committee on Housing, presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 765, 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 Committees was adopted and H.B. No. 765, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 175) recommending that H.B. No. 937, 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. 937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAID MANAGED CARE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 128, 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. 128, HD 1 pass Second Reading and be referred to the Committee on Judiciary, 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."

Representative McDermott rose and asked that the Clerk record a no vote 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. 128, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Jordan voting aye with reservations, with Representative McDermott voting no, and with Representative Lee being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 177) recommending that H.B. No. 498, 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. 498, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE ADULT PROTECTIVE AND COMMUNITY SERVICES BRANCH," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 975, 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. 975, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRANSFER AT THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary, with Representative Lee being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 727, 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. 727, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 180) recommending that H.B. No. 948, 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. 948, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 209, 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. 209, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET

OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 182) recommending that H.B. No. 393, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," passed Second Reading and was referred to the Committee on Health, with Representative Lee being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 183) recommending that H.B. No. 207, 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. 207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAINING," passed Second Reading and was referred to the Committee on Finance, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 1504, 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. 1504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 185) recommending that H.B. No. 1512, 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. 1512, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE-BASED REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 186) recommending that H.B. No. 1514, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1514, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Agriculture, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 187) recommending that H.B. No. 619, 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. 619, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MERGER, ACQUISITION, AND CONSOLIDATION OF ELECTRIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lee being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 188) recommending that H.B. No. 1509, 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 Evans and carried, the report of the Committee was adopted and H.B. No. 1509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Higher Education, with Representative Lee being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 189) recommending that H.B. No. 1075, 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. 1075, HD 1 pass Second Reading and be referred to the Committee on Labor & Public Employment, 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."

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 HB 1075, HD 1, which authorizes the Maui Regional System to enter into an agreement with a private entity to transition one or more of its facilities into a new private Hawaii nonprofit corporation. While I believe that taking steps to put our hospitals on sounder financial footing is necessary, I am worried about the potential liability to the State as the bill is currently written. Unlike a purchase, under the current language, the State may retain ultimate financial liability while losing key oversight of the Maui Regional System. I also worry about continued subsidization of the new private entity by the taxpayer. I would like to see changes to the Maui Regional System that will help provide quality care to Maui residents, but not in ways that put the State and its taxpayers in an awkward fiscal position."

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

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

Representative Oshiro 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 Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support but with very serious reservations.

"While I will reserve most of my comments for Third Reading, I want to stress that this bill has the potential to do great harm to state employees, irreparably violate the basic canons of civil service and collective bargaining laws, and breach the public's trust by handing over limited government resources to a private entity. . .

"And we don't even know if it will save the State money, nor provide Maui's citizens with an appropriate level of services in both the short- and long-terms. Both the jobs and careers of civil servants and the lives of

patients, families, and community hang in the balance. Over 1,200 jobs and health care for over 120,000 Hawaii residents are at stake.

"And granted we have an enormous problem with HHSC. One that has plagued this State for the past decade. One that as your former Finance and Labor Chair, I am well aware.

"But is this how we should proceed? To thumb our nose at our public civil servants, discarding them as expendable labor when business losses exceed income? And, are we giving away the power of the purse and binding current and future tax payers to the sole discretion of a private corporation for 10 years? Finally, is this wholesale delegation of the General Fund for capital construction and operating funds even constitutional much less sensible and prudent? I, respectfully, doubt we can do what this measure seeks to accomplish, and further doubt it would be wise and not foolish.

"I will, however, hold off my final judgment on this bill to give you, Mr. Speaker, and your Labor and Finance Chairs another two chances to fix this bill. Let us hope it is better than this effort."

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 Creagan 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. I rise in support of this bill. I rise in support of House Bill 1075, and if I may also make comments on House Bill 1112 which follows?

"Mr. Speaker, the status quo is broken. As our public hospital is currently configured and managed, we know the status quo is broken. I know it, you know it, I believe all of us in this building know it. If we do nothing and continue to allow HHSC and its regions to go along as they have, the problems will only continue to fester at the expense of the healthcare of our residents on all islands.

"I know and expect that many in this Chamber will rise up with reservations today, they should. As both House Bill 1075, which enables the public-private partnership of the Maui region, and House Bill 1112, which contemplates what should happen with the governing structure of the regional board system that currently exists.

"As these bills move through the legislative process through hearings in the Labor and Finance Committees, as the Senate companions to these bills also move through the process, hard questions will have to continue to be asked and hopefully answered. Tough decisions will need to be made by us all throughout this legislative session.

"We are early in this process and I urge my colleagues to engage in the dialog. Note their reservations so we can ensure the right questions are asked, and let this bill continue to be deliberated. Thank you, Mr. Speaker."

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

"Mr. Speaker, I speak very strongly in favor of this measure. This measure alone will save the State over \$200 million over a period of years with this transfer. The opposite is true if it doesn't. They can no longer continue to leak and cost the State millions and millions of dollars that's going to be increasing all the time.

"In Maui we have a unique situation, we have only hospital. And this one hospital is taking care of the whole island. We don't have the luxury of having five hospitals between one square mile. Also, more important, this is for the health and welfare of the people of Maui and Molokai and Lanai, but especially Maui.

"I ask the Members here who are voting with reservations to please consider what you are doing right now. We know there is going to be a lot of pressure on the Members here as you move along with this legislation. There are some parties who were strongly opposed to this, but are they thinking about the welfare of the people of the island and of the money that it can save the State as it moves along? I think not.

"So, Members, I sincerely ask you to consider that this is a very important bill that I ask for its passage. Thank you very much."

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

Representative Morikawa's written remarks are as follows:

"I agree that something needs to be done to the system, especially Maui and their ability to partner with a private entity. However, I am very concerned about how the current employees will be transitioned into the partnership agreement. What will be the details about their accrued benefits, especially those who haven't yet made the required number of years to get retiree medical benefits, or service credit years? What will happen to their accumulated sick leave credits? Will they be converted to service credit? If they are to be laid off, they will have bumping rights to other systems in the State, causing a chain reaction of personnel movements. I look forward to deeper discussions to address these concerns."

Representative LoPresti 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. 1075, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Creagan, Cullen, Har, Johanson, Jordan, Kawakami, LoPresti, Lowen, Morikawa, Onishi and Oshiro voting aye with reservations, and with Representative Lee being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 190) recommending that H.B. No. 1112, 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. 1112, HD 1 pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative Evans.

Representative Belatti rose in support of the measure. [Note: See Stand. Com. Rep. No. 189, H.B. No. 1075, HD 1, for remarks.]

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

Representative Tupola 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. 1112, 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 Labor & Public Employment, with Representatives Jordan and Tupola voting aye with reservations, and with Representative Lee being excused.

At 1:12 o'clock p.m., Representative Tokioka requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 191) recommending that H.B. No. 119, as amended in HD 1, be recommitted to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health, with Representative Lee 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. (Representative Lee was excused.)

THIRD READING

H.B. No. 179, HD 1:

Representative Saiki moved that H.B. No. 179, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. In strong support, and I would like comments to the Journal, please."

Representative McKelvey's written remarks are as follows:

"In this world nothing can be said to be certain, except death, taxes, and absentee ballots."

The motion was put to vote by the Chair and carried, and H.B. No. 179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT ABSENTEE BALLOTS," passed Third Reading by a vote of 49 ayes, with Representative Lee being excused.

H.B. No. 604:

Representative Saiki moved that H.B. No. 604 pass Third Reading, seconded by Representative Evans.

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

"Strong support, Mr. Speaker. This is the bill that we co-introduced and sponsored with the help of the Philippine Consulate, and I request that written comments be inserted in the Journal. Thank you."

Representative Cachola's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 604 which I co-introduced with Vice-Speaker John Mizuno and many other colleagues in this Chamber. House Bill 604 designates December 20 of each year as Sakada Day in Hawaii. I want to thank Philippine Consulate General Gina Jamoralin and the Filipino Community for coming out in support of House Bill 604.

"As you know, Mr. Speaker, Filipino people who were imported by the Hawaii sugar industry to come to Hawaii and work the fields of the sugar plantations are known as Sakadas. The first of the Sakadas arrived in Hawaii in 1906 on the SS Doric, and later, the SS Nawiliwili. The second wave came in 1946, the year of the last major organized Filipino migration to the United States. My grandfather and uncles were part of this migration which makes me a descendent of the Sakadas. They were processed in my home town of Vigan, Ilocos Sur before sailing to Hawaii.

"On January 9th, 1986, commemorative festivities for which I was the Honorary Event Chair took place here at the State Capitol and on the

neighbor islands. A group of Filipino legislators and community leaders, led by then Governor George Ariyoshi, Lieutenant Governor John Waihee and Senator Benjamin Cayetano, planted a young narra tree on the grounds of the State Capitol. The planting coincided with festivities honoring the 40th Anniversary of the 1946 Sakadas, the 80th Anniversary of the arrival of the first Filipinos to Hawaii, and the establishment of the Sister Province-State relationship between Ilocos Sur and Hawaii. The tree came to be known as the Sakada Tree.

"The hardwood narra tree -- the national tree of the Philippines -- was chosen to symbolize the strength and fortitude of the early Filipinos to Hawaii, who overcame numerous hardships and difficulties. Today, 29 years after its planting, the Sakada Tree has flourished and stands proudly on the grounds of the State Capitol as a testament to the resilient spirit of Filipinos, their sacrifices and their contributions to Hawaii's economy and rich history."

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

"Thank you, Mr. Speaker. In strong support and I'd like to insert written comments into the Journal. Thank you."

Representative Tokioka's written remarks are as follows:

"In support of House Bill 604, designating December 20th of each year as Sakada day in the State of Hawai'i. On December 20th, 1906, the first of 15 Filipino contract laborers, or Sakadas, immigrated to Hawai'i to work on the plantations. By the 1920s, an average of 7,630 Filipino workers were arriving in Hawai'i annually. Sakadas perceived Hawai'i as a land of opportunity and prosperity, and many of them believed that they would only be in Hawai'i temporarily before returning home to the Philippines. Upon arrival, they were subjected to harsh working conditions, low wages, and racial segregation. Despite this, the Sakadas proved to be industrious and hard-working. Labor leaders such as Pablo Manlapit and Carl Damaso organized strikes, campaigned for workers' rights, and improved working and living conditions.

"Over 100 years later, the Filipino community has established itself as an integral part of Hawai'i's culture. As of 2010, the Filipino community constitutes the largest ethnic group in the State of Hawai'i and over 60 percent of the population of Kauai island. The Filipino working and professional communities consist of doctors, nurses, lawyers, engineers, hotel workers, housekeepers, and police officers. A strong Filipino presence in the medical and home-care industries contributes heavily to the high levels of care given to our *kupuna*. The importance of Filipino culture in Hawai'i was further emphasized by the 2006 Filipino Centennial Celebration, which featured over 200 seminars, exhibits, arts and craft events, and culinary celebrations.

"For these reasons, I stand in support of House Bill 604 and the official recognition of Sakada Day in Hawai'i, to honor the hard work, sacrifice, and importance of the Filipino community in Hawai'i."

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

Representative Aquino's written remarks are as follows:

"I stand in support of House Bill 604. Mr. Speaker, this bill would recognize and acknowledge the first Filipinos who arrived to Hawaii to toil in the plantation fields.

"As a proud Filipino myself who represents an area where the plantation was the center of the community, I am proud to support this legislation. It acknowledges our first Sakadas and the active participation that the Filipino community plays today in our islands of diversity. This bill highlights the history and contributions of this community. *Mahalo*, Mr. Speaker."

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

"Mr. Speaker, in support. I just want to say *mabuhay*.

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

"Mr. Speaker, also in strong support. My mother was a part of the Sakada, and of course needs to be honored. Thank you."

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

"Strong support and request to insert written comments. Thanks."

Representative Cullen's written remarks are as follows:

"I am in strong support of HB 604. Acknowledging the first Filipino migrant workers also known as the Sakadas is very important to the State of Hawaii, especially during the plantation period. They played an active role in shaping our communities as we see them today. The Sakadas are a great representation of Filipino character: persistent, hardworking, and, most especially, resilient."

The motion was put to vote by the Chair and carried, and H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO SAKADA DAY," passed Third Reading by a vote of 49 ayes, with Representative Lee being excused.

At 1:17 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 179, HD 1
H.B. No. 604

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 14) and concurrent resolutions (H.C.R. Nos. 36 and 37) were referred to Printing and further action was deferred:

H.R. No. 14, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was jointly offered by Representatives Mizuno, Creagan, Rhoads and San Buenaventura.

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED STATES SUPREME COURT'S HOLDING RELATING TO CORPORATE INDEPENDENT EXPENDITURES IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*," was offered by Representative Takayama.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was jointly offered by Representatives Mizuno, Creagan, Rhoads and San Buenaventura.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, good news, bad news. I'll start with the bad news that, starting in the next, in fact today, most of the west coast ports are going to be closed. I think the announcement is that we should be prepared for a shipping strike if it's going to happen, whatever this Body, whatever we can do for our districts to make sure that people prepare for it, I think is worthy of note.

"Now the good news. The good news is that finally Ukraine and the Russians have agreed to a cease fire and there may be some good news finally coming out of that conflict. Thank you, Mr. Speaker."

Representative Takayama: "Mr. Speaker, just a quick reminder that we'll soon be celebrating Valentine's Day, and that Representative Woodson and my office are jointly sponsoring a fundraiser that enables Members or their staff to order flowers or candy for delivery in the Capitol. We'll accept orders until 4:30 today, and we encourage colleagues to order these for their loved ones or their staff or for themselves. It is for the Hawaii and Maui food banks. Thank you."

At this time, the Chair stated:

"The Chair would like to remind Members of today's triple referral filing deadline. For any bills moving from their first committees to the second committees in a triple referral, you must file committee reports with the Chief Clerk's Office by 6:00 p.m. this evening. Please allow yourselves and your staff sufficient time. Thank you very much."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
14	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
36	Committee on Judiciary, then to the Committee on Finance
37	Committee on Human Services, then to the Committee on Judiciary, 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>
709	Jointly to the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
802	Committee on Water & Land, then to the Committee on Judiciary

ADJOURNMENT

At 1:19 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 tomorrow, Friday, February 13, 2015. (Representatives Lee, McKelvey and Say were excused.)