

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2015

***ROUGH DRAFT
JOURNAL***

FORTY-SECOND DAY

APRIL 7, 2015

OFFICE OF THE CHIEF CLERK

BT

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FORTY-SECOND DAY

Tuesday, April 7, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:06 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Ms. Heather Davis of Representative Takashi Ohno's office, after which the Roll was called showing all Members present with the exception of Representative Oshiro, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1103) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1103, informing the House that on April 1, 2015, the following bill was signed into law:

S.B. No. 103, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 003)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 388 through 403) were received and announced by the Clerk:

Sen. Com. No. 388, transmitting S.C.R. No. 39, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ORDER THE EXCLUSIVE DISPLAY OF THE FLAG OF HAWAII OVER STATE BUILDINGS ON JANUARY 17 OF EACH YEAR," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 389, transmitting S.C.R. No. 40, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CAMPAIGN SPENDING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING A \$250 CAP ON CAMPAIGN CONTRIBUTIONS AND ON ESTABLISHING A PROCESS FOR THE REFUNDING OF CAMPAIGN CONTRIBUTIONS," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 390, transmitting S.C.R. No. 45, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO INITIATE RESCHEDULING PROCEEDINGS TO REMOVE MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 391, transmitting S.C.R. No. 76, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO PROTECT 'ILIAHI, HAWAIIAN SANDALWOOD," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 392, transmitting S.C.R. No. 98, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 393, transmitting S.C.R. No. 102, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE OF KOREA TO ENGAGE IN DIALOGUE REGARDING THE PEACEFUL

REUNIFICATION OF THE KOREAN PENINSULA," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 394, transmitting S.C.R. No. 106, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO IDENTIFY PARCELS OF URBAN SHORELINE IN KAKA'AKO MAKAI IN COORDINATION WITH THE "LEI OF GREEN" POLICY RECOGNIZED IN THE KAKA'AKO MAKAI VISION AND GUIDING PRINCIPLES AND THE MASTER PLAN FOR KAKA'AKO MAKAI ADOPTED BY THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY IN 2011," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 395, transmitting S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL BUREAU OF INVESTIGATION TO REPORT CRIMES OF DOMESTIC VIOLENCE UNDER THE UNIFORM CRIME REPORTING SYSTEM," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 396, transmitting S.C.R. No. 164, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A CLIMATE CHANGE AND HEALTH WORKING GROUP TO ASSESS THE SCOPE AND RISKS OF CLIMATE CHANGE ON THE HEALTH OF HAWAII'S RESIDENTS AND TO DEVELOP A STRATEGIC PLAN TO ADDRESS CLIMATE CHANGE RISKS TO HEALTH STATEWIDE," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 397, transmitting S.C.R. No. 165, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE CO-NAMING OF A SECTION OF 33RD STREET IN NEW YORK CITY TO FATHER DAMIEN WAY IN HONOR OF SAINT DAMIEN DE VEUSTER," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 398, transmitting S.C.R. No. 167, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING WITHIN THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 399, transmitting S.C.R. No. 186, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE OFFICE OF PLANNING, LAND USE COMMISSION, HAWAII COMMUNITY DEVELOPMENT AUTHORITY, HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, AND COUNTY PLANNING DEPARTMENTS TO ADOPT AND IMPLEMENT RECOMMENDATIONS HIGHLIGHTED IN THE BUILDING HEALTHY PLACES TOOLKIT REPORT BY THE URBAN LAND INSTITUTE, OR SIMILAR POLICIES THAT PROVIDE A COMPREHENSIVE APPROACH TO LAND USE AND DEVELOPMENT THAT STRENGTHEN COMMUNITY HEALTH AND SMART GROWTH PRINCIPLES," which was adopted by the Senate on April 6, 2015.

Sen. Com. No. 400, transmitting H.B. No. 269, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," which passed Third Reading in the Senate on April 6, 2015.

Sen. Com. No. 401, transmitting H.B. No. 928, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," which passed Third Reading in the Senate on April 6, 2015.

Sen. Com. No. 402, transmitting H.B. No. 15, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 6, 2015.

Sen. Com. No. 403, transmitting H.B. No. 1090, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGREEMENTS," which passed Third Reading in the Senate on April 6, 2015.

ROUGH DRAFT

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representative Oshiro was excused.)

H.B. No. 15, HD 1, (SD 1)
H.B. No. 1090, HD 2, (SD 2)

INTRODUCTIONS

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

Representative LoPresti introduced his daughter, Nina Sophia LoPresti; and his Office Manager, Jaco Gallarde.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 181) was announced by the Clerk and the following action taken:

H.R. No. 181, entitled: "HOUSE RESOLUTION RECOGNIZING LEGACY OF LIFE HAWAII AND HONORING KEKOA ROBERT NELSON, BRONSON "DUKE" NAINOA DE REGO, JENS MAGELSSSEN, AND THEIR RESPECTIVE FAMILIES WHO HAVE SELFLESSLY GIVEN THE GIFT OF LIFE DURING NATIONAL DONATE LIFE MONTH," was jointly offered by Representatives Ohno and Belatti.

Representative Ohno moved that H.R. No. 181 be adopted, seconded by Representative Creagan.

Representative Ohno recognized organ donors and their families as true heroes, saving and enhancing the lives of others, and introduced guests who were seated in the gallery:

Dr. Stephen Kula, CEO and President of Legacy of Life Hawaii; and staff.

Representative Ohno then honored and introduced honorees seated on the Floor of the House:

Kekoa Robert Nelson, represented by his parents, Michael and Frances Nelson. Kekoa became an organ donor at eight years old after an accident took his life. His donation of kidneys, lungs and heart valves has saved the lives of others.

Bronson "Duke" Nainoa De Rego, represented by his mother, Shirley De Rego, and brother, Auwae De Rego. Duke became an organ donor at 14 years old. His donation of kidneys and liver saved the lives of three individuals, and his cornea donation restored sight to two others. His mother established The Alex and Duke De Rego Foundation to provide young people the right skills to empower them with knowledge and awareness that will safeguard their lives and the lives of others. They were accompanied by family members in the gallery: Dane Gambill, Kekai Gambill, Doreen Gambill, Alika Gambill, Bronson Gambill, Eddie Gambill, Lana Incillio and Keahi Incillio.

Jens Magelssen, represented by his parents, David and Penelope Magelssen. Jens was a Honolulu Police Officer who became an organ donor after an accident took his life. He gave the gift of kidneys, liver and tissue to save the lives of others. They were accompanied by family members in the gallery: Faith Magelssen Walker, Ruth Magelssen and Rob Griffin.

Representative Ward commended the heroes, and recognized Ms. CJ Leong, Administrative Services Manager for the Majority Leader, who donated her kidney to former Chief Clerk Patricia Mau-Shimizu.

Representative Ing, as the son of an organ donor, recognized Legacy of Life and the heroes, reflecting on how his father donated his cornea to give sight to another young man when he passed away.

The motion was put to vote by the Chair and carried, and H.R. No. 181 was adopted, with Representatives Belatti and Oshiro being excused.

The following resolution (H.R. No. 182) was announced by the Clerk and the following action taken:

H.R. No. 182, entitled: "HOUSE RESOLUTION HONORING THE AMERICAN MASSAGE THERAPY ASSOCIATION-HAWAII CHAPTER AND THE MASSAGE THERAPISTS ASSOCIATION OF HAWAII ON THEIR 20TH ANNUAL LEGISLATIVE MASSAGE AWARENESS DAY AT THE STATE CAPITOL AND FOR THEIR COMMITMENT TO PROMOTING THERAPEUTIC MASSAGE AS INTEGRAL TO THE MAINTENANCE OF GOOD HEALTH AND WELL-BEING OF THE PEOPLE OF HAWAII," was jointly offered by Representatives Creagan, Belatti, Mizuno, Morikawa and Woodson.

Representative Creagan moved that H.R. No. 182 be adopted, seconded by Representative Morikawa.

Representative Creagan recognized the American Massage Therapy Association and the Massage Therapists Association of Hawaii and their goal to educate and inform massage therapists on concerns, issues and trends in their profession.

Representative Morikawa noted the dedication of massage therapists in promoting good health and well-being through therapeutic massage for the people of Hawaii, thanked them for their continued support and participation at the Legislative Massage Awareness Day at State Capitol, and introduced honorees seated on the Floor of the House:

Mr. Dustin Ebesu, President, Massage Therapists Association of Hawaii; Ms. Arlene Estrella, President, American Massage Therapy Association-Hawaii Chapter; Ms. Connie Cadiz, American Massage Therapy Association – Hawaii Chapter, and Chairperson for the Legislative Massage Awareness Day; and Ms. Mary Lynn Mahana Byington, Past President, Massage Therapists Association of Hawaii.

Representative Mizuno recognized Dustin and Mahana and the other massage therapists for their selflessness over the years in donating the proceeds from their massages during Legislative Massage Awareness Day to the Hawaii Foodbank.

The motion was put to vote by the Chair and carried, and H.R. No. 182 was adopted, with Representatives Aquino, Belatti and Oshiro being excused.

The following resolution (H.R. No. 183) was announced by the Clerk and the following action taken:

H.R. No. 183, entitled: "HOUSE RESOLUTION HONORING THE OUTSTANDING CONTRIBUTIONS OF MS. MAGDALENA "MAGGIE" PASION DOMINGO TO ETHNIC BROADCASTING & COMMUNITY SERVICE," was jointly offered by Representatives Cachola and Mizuno.

Representative Cachola moved that H.R. No. 183 be adopted, seconded by Representative Mizuno.

Representative Cachola recognized the honoree for her outstanding record of service and leadership, and for her continuing commitment to community advocacies, and introduced the honoree seated on the Floor of the House:

Ms. Magdalena "Maggie" Pasion Domingo.

Representative Mizuno recognized Maggie, the first female President of the United Filipino Council of Hawaii, for her hard work and perseverance, acknowledged her travel agency and radio program for their success, and congratulated her on her retirement.

Representative Cachola honored the many individuals who have supported Maggie in her programs and initiatives, and introduced colleagues of Ms. Domingo who were seated on the Floor of the House:

Ms. Lorene Godfrey, Station Manager of KNDI Radio, representing Mr. and Mrs. Geronimo and Nellie Malabed, Jr., Owners of KNDI Radio, an ethnic radio serving all communities in Hawaii;
 Ms. Edith Gudoy, Owner of Everlasting Travel, and former President of Hawaii Association of Filipino Travel Agents.
 Ms. Janice Sevilla, member of the Board of Trustees and Treasurer of the Philippine Cultural Foundation of Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 183 was adopted, with Representatives Belatti, Hashem, Luke and Oshiro being excused.

At 12:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

UNFINISHED BUSINESS

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1364) recommending that S.B. No. 211, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 211, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1365) recommending that S.B. No. 214, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 214, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1366) recommending that S.B. No. 223, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 223, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1367) recommending that S.B. No. 218, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 218, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORDER

OF SUCCESSION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 1368) recommending that S.B. No. 1219, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1219, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1372) recommending that S.B. No. 1113, SD 2, HD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1113, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS," passed Third Reading by a vote of 47 ayes, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

At 12:53 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1113, SD 2, HD 1

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1373) recommending that S.B. No. 388, HD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 388, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," passed Third Reading by a vote of 47 ayes, with Representatives Belatti, Har, Oshiro and Tokioka being excused.

At 12:54 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 388, HD 1

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1374) recommending that S.B. No. 419, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 419, SD 2, HD 1 pass Second Reading and be placed on the calendar for Third Reading, 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 S.B. No. 419, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD BOARDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Jordan voting aye with reservations, and with Representatives Belatti, Har, Oshiro and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1375) recommending that S.B. No. 434, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1375 on S.B. No. 434, SD 2, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 434, SD 2, HD 1, were made available to the Members of the House.

Representative Lee, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1376) recommending that S.B. No. 320, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1376 on S.B. No. 320, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 320, SD 1, HD 2, were made available to the Members of the House.

ANNOUNCEMENTS

Representative Saiki: "Mr. Speaker, at the appropriate time could I request a moment of silence for Dr. Irwin Schatz? He was the father of Senator Brian Schatz, and he passed away last Wednesday."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Dr. Irwin Schatz, father of U.S. Senator Brian Schatz.

ADJOURNMENT

At 12:57 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, Wednesday, April 8, 2015. (Representatives Belatti, Har, Oshiro and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated Tuesday, April 7, 2015, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 15, HD 1, SD 1
H.B. No. 1090, HD 2, SD 2