

NINTH DAY

Wednesday, February 4, 2015

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

The invocation was delivered by Pastor Allen Cardines, Jr. of Hope Chapel Nanakuli, after which the Roll was called showing all Members present.

INTRODUCTIONS

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

Representative Belatti introduced from Chaminade University, Public Health Nursing class: Professor Anna Motteler, and students Satzy Pulido, Jason Savaria, Joelle Devera, Alyssa Antonio, Jasmine Rapisura, Sharlene Daligcon, Skye Lam Ho and Brittany Fuller; and Ms. Janie Tomihara, Public Health Nurse with the Department of Health.

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

The House of Representatives reconvened at 12:41 o'clock p.m.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. 164 through 168) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 164, dated January 30, 2015, requesting the immediate consideration and passage of H.B. No. 903, Making an Emergency Appropriation for the Department of the Attorney General.

Gov. Msg. No. 165, dated January 30, 2015, requesting the immediate consideration and passage of H.B. No. 930, Making an Emergency Appropriation for the Office of the Governor.

Gov. Msg. No. 166, dated January 30, 2015, requesting the immediate consideration and passage of H.B. No. 938, Making an Emergency Appropriation for General Assistance.

Gov. Msg. No. 167, dated January 30, 2015, requesting the immediate consideration and passage of H.B. No. 948, Making an Emergency Appropriation to the Hawaii Health Systems Corporation.

Gov. Msg. No. 168, dated January 30, 2015, requesting the immediate consideration and passage of H.B. No. 949, Making an Emergency Appropriation to the Department of Health for Hazard Evaluation and Emergency Response Preparedness.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communication (Misc. Com. No. 1003) was received and announced by the Clerk:

Misc. Com. No. 1003, from the Law Office of Lance D. Collins, dated January 16, 2015, transmitting a letter petitioning the House to investigate the qualifications of the Representative of the 20th District.

At this time, the Chair stated:

"Alright, Members, Miscellaneous Communication Number 1003 is referred to the special committee, which will be established pursuant to House Rule Number 14 via a memorandum to be sent to all Members."

Representative Ward rose, stating:

"Mr. Speaker, point of information. Are you referring to the select committee on standards of conduct that we formed in 2008?"

The Chair then stated:

"This is referring to a special committee on the election."

At 12:42 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

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

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

"Mr. Speaker, I've been asked to share the Hawaiian Word for the Day. Thank you. Today's word of the day is *ea*. E-A. It has four basic definitions, first being sovereignty, rule independence. Second definition, life, air, breath. Third definition, to rise up or to raise. And the last definition, to smell.

"The sentence that we have is, *Ua mau ke ea o ka 'āina i ka pono*. Thank you so much."

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that H.B. No. 175 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. 175, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representative McKelvey being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that H.B. No. 26 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. 26 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 Committee was adopted and H.B. No. 26, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF TRUSTEES," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative McKelvey being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 28 and 29) were referred to Printing and further action was deferred:

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PEOPLE'S REPUBLIC OF CHINA TO HONOR ITS PROMISE AND COMMITMENT TO NO LONGER HARVEST ORGANS FROM EXECUTED PRISONERS FOR ORGAN TRANSPLANTS," was offered by Representative Rhoads.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AFTER CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, TO DETERMINE THE COST OF PLACING AN OVERPASS OVER THE H-1 FREEWAY TO EXTEND BETWEEN NUUANU STREAM AND QUEEN EMMA STREET THAT WOULD REDUCE TRAFFIC NOISE POLLUTION AND BE USED AS A PARK OR OTHER COMMUNITY USE PURPOSE," was jointly offered by Representatives Rhoads, Luke and Ohno.

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

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

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.C.R.

Nos. Referred to:

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| 28 | Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Health |
| 29 | Committee on Transportation, then to the Committee on Finance |

COMMITTEE REASSIGNMENTS

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

H.B.

Nos. Re-referred to:

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| 132 | Committee on Economic Development & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance |
| 375 | Committee on Consumer Protection & Commerce, then to the Committee on Judiciary |
| 390 | Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary |
| 483 | Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance |
| 532 | Committee on Consumer Protection & Commerce |
| 780 | Committee on Education |
| 782 | Committee on Health, then to the Committee on Finance |
| 859 | Committee on Health, then to the Committee on Finance |
| 866 | Committee on Consumer Protection & Commerce |
| 940 | Committee on Health |

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| 945 | Committee on Health |
| 1000 | Committee on Economic Development & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary |
| 1200 | Committee on Education |
| 1203 | Committee on Judiciary |
| 1366 | Committee on Finance |
| 1367 | Committee on Higher Education, then to the Committee on Water & Land, then to the Committee on Housing, then to the Committee on Finance |
| 1460 | Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance |
| 1477 | Jointly to the Committee on Public Safety and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance |
| 1486 | Committee on Finance |

ADJOURNMENT

At 12:46 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, Thursday, February 5, 2015. (Representative McKelvey was excused.)

OTHER COMMUNICATIONS

JOSEPH M. SOUKI
Speaker



Phone: (808) 586-6100
Fax: (808) 586-6101

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL, ROOM 431
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

February 4, 2015

TO: ALL HOUSE MEMBERS
FROM: SPEAKER JOSEPH M. SOUKI *JMS*
RE: ESTABLISHMENT OF A SPECIAL COMMITTEE TO CONSIDER MISCELLANEOUS COMMUNICATION NO. 1003

The purpose of this memorandum is to establish a Special Committee to Consider Miscellaneous Communication No. 1003 pursuant to House Rule 14 of the Rules of the House of Representatives, State of Hawaii, 28th State Legislature, 2015-2016.

The establishment of this Special Committee is in response to a petition ("Petition") from Lance D. Collins dated January 16, 2015, on behalf of six voters from the 20th Representative District, Ramona Hussey, M. Ka'imila Nicholson, Natalia Antonia Hussey-Burdick, Brent S. Dupuis, Marvin D. Heskett, and Joel L. Merchant (the "Voters"). The Petition challenged Speaker Emeritus Calvin K.Y. Say's qualifications to serve as representative of the 20th Representative District and requested the renewal of the Voters' original requests on February 22, 2013, and October 6, 2014, to have the House investigate the qualifications of Speaker Emeritus Say to hold office as the representative of the 20th Representative District.

House Rule 14 gives the Speaker authority to appoint special committees for special or temporary purposes to consider and report on special or temporary matters referred to it and states:

Rule 14. Special Committee

14.1. The Speaker may appoint special committees for special or temporary purposes to consider and report on such special or temporary matters referred to it.

14.2. Special committees shall consist of not less than three members each, unless otherwise ordered by the House, to serve until discharged or until finally reporting on such matters referred to them.

14.3. Meetings of special committees shall be conducted in the same manner as provided for standing committees.

Memorandum to ALL HOUSE MEMBERS
RE: Establishment of a Special Committee
February 4, 2015
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14.4. Special committees shall report upon matters referred to them within the time prescribed under the appointment of the special committees, unless further time is given by vote of the House.

As Speaker of the House and pursuant to House Rule 14, I hereby appoint the following members to the Special Committee:

Representative Karl Rhoads, Chair
Representative John M. Mizuno
Representative Scott K. Saiki
Representative Cindy Evans
Representative Ken Ito
Representative Beth Fukumoto Chang

In carrying out its duties, the House and the Special Committee shall follow these procedures to address challenges relating to a member's qualifications unless the House otherwise determines:

Rule 1. All challenges to the qualifications of a person elected as a member of the House of Representatives shall be filed with the Chief Clerk. Any registered voter who lives in the member's district may file a challenge.

Rule 2. When a challenge is filed, the Chief Clerk shall report it to the Speaker who shall then, provided the challenge sets forth facts sufficient to warrant review and concerns the member's current term, appoint a special committee to consider the challenge, and refer it to the special committee.

Rule 3. The challenged member may continue to exercise the member's legislative functions while a challenge is pending, provided the Office of Elections has issued a certificate of election for the member.

Rule 4. The special committee shall convene as soon as practicable after a challenge has been referred to it and, after notifying the member whose qualifications are being challenged, shall investigate the challenge without delay. The special committee shall review relevant written documentation submitted by the petitioner and the challenged member. At the discretion of the chair of the special committee, the special committee may conduct hearings where the petitioner and the challenged member, or their respective attorneys, shall each be provided an opportunity to make a brief statement and answer questions from the special committee. Any hearings shall be open to the public, for which notice of at least forty-eight hours shall be provided.

Rule 5. Only compelling evidence shall be sufficient for the House to consider finding that the member does not have the requisite qualifications to serve.

Rule 6. Upon conclusion of its investigation, the special committee shall submit a report of its findings and recommendations to the House, at which time the House shall affirm or reject the report or take such other action as it determines.

If you have any questions, please call Denise Liu at 586-6100.