

## FORTY-SIXTH DAY

**Tuesday, April 12, 2016**

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 9:10 o'clock a.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Mr. Roy Morioka from Hawaii Fishermen's Alliance for Conservation & Tradition, Inc., after which the Roll was called showing all Members present with the exception of Representatives Ing, McDermott, Thielen and Ward, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 17 and 18) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 17, dated March 30, 2016, transmitting proposed changes to the FY 17 Executive Supplemental Budget for the Department of Human Resources Development (DHRD).

Gov. Msg. No. 18, dated April 4, 2016, transmitting proposed changes to the FY 17 Executive Supplemental Budget for the Department of Hawaiian Home Lands (DHHL).

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 478 through 496) were received and announced by the Clerk:

Sen. Com. No. 478, transmitting H.B. No. 210, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 479, transmitting H.B. No. 493, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 480, transmitting H.B. No. 1046, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 481, transmitting H.B. No. 1404, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 482, transmitting H.B. No. 1543, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 483, transmitting H.B. No. 1627, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL INVESTIGATIONS BY THE REGULATED INDUSTRIES COMPLAINTS OFFICE," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 484, transmitting H.B. No. 1703, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 485, transmitting H.B. No. 1705, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 486, transmitting H.B. No. 1774, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 487, transmitting H.B. No. 2034, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KAHOLAWE ISLAND RESERVE COMMISSION," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 488, transmitting H.B. No. 2156, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 489, transmitting H.B. No. 2217, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING OR REPEALING HAWAII REAL PROPERTY TAX LAWS FOR THE PURPOSE OF DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 490, transmitting H.B. No. 2247, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL TRAVEL," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 491, transmitting H.B. No. 2466, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 492, transmitting H.B. No. 2582, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 493, transmitting H.B. No. 2675, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RAPID OHIA DEATH," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 494, transmitting H.B. No. 2721, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIPOA POINT," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 495, transmitting H.B. No. 2741, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY IN THE ARTS," which passed Third Reading in the Senate on April 8, 2016.

Sen. Com. No. 496, dated April 8, 2016, informing the House that the Senate has on April 7, 2016, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 305, SD 1, HD 1

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Ing, McDermott and Thielen were excused.)

H.B. No. 210, HD 1, (SD 2)  
H.B. No. 493, HD 1, (SD 2)  
H.B. No. 1046, HD 2, (SD 2)  
H.B. No. 1404, HD 1, (SD 2)  
H.B. No. 1543, (SD 1)  
H.B. No. 1627, HD 3, (SD 2)  
H.B. No. 1703, HD 2, (SD 1)  
H.B. No. 1705, (SD 1)  
H.B. No. 1774, HD 1, (SD 2)  
H.B. No. 2034, HD 1, (SD 2)  
H.B. No. 2156, HD 2, (SD 2)  
H.B. No. 2217, HD 1, (SD 1)  
H.B. No. 2247, HD 1, (SD 2)  
H.B. No. 2466, HD 1, (SD 1)  
H.B. No. 2582, HD 1, (SD 1)  
H.B. No. 2675, HD 1, (SD 2)  
H.B. No. 2721, HD 1, (SD 2)

H.B. No. 2741, HD 1, (SD 1)

### DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 312 through 319, 328 and 329) were received by the Clerk and were placed on file:

Dept. Com. No. 312, from the Office of Enterprise Technology Services, dated April 1, 2016, transmitting the Quarterly Report on Periodic Information Security and Penetration Audits of the Executive Branch Information Technology Systems, pursuant to Act 119, Section 42-5, SLH 2015.

Dept. Com. No. 313, from the Office of the Auditor, dated April 1, 2016, transmitting the Single Audit of Federal Financial Assistance Programs of the State of Hawaii for fiscal year ended June 30, 2015, pursuant to Section 23-9, HRS.

Dept. Com. No. 314, from the Office of the Auditor, dated April 4, 2016, transmitting the Special-Purpose Financial Audit of the Hawaii Convention Center for year ended December 31, 2014, pursuant to Section 23-9, HRS.

Dept. Com. No. 315, from the University of Hawaii System, dated April 5, 2016, transmitting a Report on Filling of Temporary Unbudgeted Positions, pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 316, from the University of Hawaii System, dated April 5, 2016, transmitting a Report on Filling of Temporary Unbudgeted Positions, pursuant to Act 119, Section 128, SLH 2015.

Dept. Com. No. 317, from the University of Hawaii System, dated March 16, 2016, transmitting the 2015 Annual Report of the Research Corporation of the University of Hawaii, pursuant to Section 304A-3007, HRS.

Dept. Com. No. 318, from the Office of the Auditor, dated March 22, 2016, transmitting the Financial Audit of the Department of Transportation, Highways Division, for fiscal year ended June 30, 2015, pursuant to Section 23-9, HRS.

Dept. Com. No. 319, from the Office of the Auditor, dated March 24, 2016, transmitting the Financial Audit of the Department of Transportation, Airports Division, for fiscal year ended June 30, 2015, pursuant to Section 23-9, HRS.

Dept. Com. No. 328, from the County of Hawaii Police Department, dated January 14, 2016, transmitting the Legislature Disciplinary Report for 2015, pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 329, from the City and County of Honolulu Police Department, dated January 27, 2016, transmitting the Legislative Disciplinary Report for 2015, pursuant to Section 52D-3.5, HRS.

### INTRODUCTIONS

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

Representative Rhoads introduced Ms. Darene Matsuoka, President, University of Hawaii Richardson School of Law, Student Animal Legal Defense Fund; Ms. Inga Gibson, Hawaii State Director, the Humane Society of the United States; and Mr. Tony Hunstiger, NSEFU-Zambia Wildlife Conservation Foundation.

Representative Ito introduced visitors from Thailand: Mr. Winn Santipongchai, Honorary Vice-Consul, Consulate of Uruguay; and his two sons, Navin and Nivit Santipongchai. They were accompanied by Dr. Ken Long.

Representative Ward introduced Mr. Henry Curtis and Ms. Kat Brady.

### ORDER OF THE DAY

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pouha and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Ing, McDermott and Thielen were excused.)

### CONSENT CALENDAR

### UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, there will be no discussion as these items were agreed to by this body for placement on Consent Calendar."

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1631-16) recommending that S.B. No. 2803, SD 2, as amended in 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. 2803, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL LOAN REVOLVING FUND," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1634-16) recommending that S.B. No. 2853, SD 2, as amended in 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. 2853, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1638-16) recommending that S.B. No. 2108, as amended in 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. 2108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCESS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1639-16) recommending that S.B. No. 2213, SD 2, as amended in 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. 2213, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1640-16) recommending that S.B. No. 2319, SD 1, HD 2, as amended in HD 3, 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. 2319, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1641-16) recommending that S.B. No. 2330, SD 2, HD 1, as amended in HD 2, 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. 2330, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1642-16) recommending that S.B. No. 2392, SD 2, HD 2, as amended in HD 3, 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. 2392, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO OPIOID ANTAGONISTS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1644-16) recommending that S.B. No. 2833, SD 2, HD 1, as amended in HD 2, 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. 2833, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LOW-INCOME HOUSING TAX CREDIT," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1645-16) recommending that S.B. No. 2566, SD 1, as amended in 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. 2566, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1648-16) recommending that S.B. No. 2583, as amended in 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. 2583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPOSTING TOILETS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1650-16) recommending that S.B. No. 2565 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. 2565, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1651-16) recommending that S.B. No. 2298, SD 1, 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. 2298, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1653-16) recommending that S.B. No. 2667, SD 1, HD 2, as amended in HD 3, 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. 2667, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1656-16) recommending that S.B. No. 2106, as amended in 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. 2106, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1663-16) recommending that S.B. No. 2543, as amended in 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. 2543, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1664-16) recommending that S.B. No. 2835, SD 1, as amended in 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. 2835, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1665-16) recommending that S.B. No. 2836, SD 1, HD 1, as amended in HD 2, 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. 2836, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1668-16) recommending that S.B. No. 2453, as amended in 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. 2453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1672-16) recommending that S.B. No. 2671, SD 1, HD 1, as amended in HD 2, 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. 2671, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY TECHNICIANS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1674-16) recommending that S.B. No. 2914, SD 1, 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. 2914, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1676-16) recommending that S.B. No. 2181, SD 2, HD 1, as amended in HD 2, 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. 2181, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1677-16) recommending that S.B. No. 2408, SD 1, HD 1, as amended in HD 2, 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. 2408, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1682-16) recommending that S.B. No. 2981, SD 1, 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. 2981, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1683-16) recommending that S.B. No. 3099, SD 1, 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. 3099, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1687-16) recommending that S.B. No. 194, SD 2, HD 1, as amended in HD 2, 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. 194, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CULTURAL EXCHANGES BETWEEN HAWAII AND AFRICAN AMERICANS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1688-16) recommending that S.B. No. 2156, SD 1, HD 2, as amended in HD 3, 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. 2156, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1692-16) recommending that S.B. No. 2675, SD 1, HD 1, as amended in HD 2, 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. 2675, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1699-16) recommending that S.B. No. 3102, SD 1, as amended in 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. 3102, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1700-16) recommending that S.B. No. 2476, SD 2, HD 1, as amended in HD 2, 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. 2476, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1702-16) recommending that S.B. No. 2604, SD 1, as amended in 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. 2604, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A MICROGRID PILOT PROJECT FOR SCHOOLS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

### THIRD READING

#### **S.B. No. 2845, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2845, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO REPAY GENERAL FUND CASH ADVANCES," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

#### **S.B. No. 13, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 13, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

#### **S.B. No. 2788, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2788, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

#### **S.B. No. 2553, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a

vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

**S.B. No. 3070, SD 1, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 3070, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Third Reading by a vote of 48 ayes, with Representatives Ing, McDermott and Thielen being excused.

At 9:19 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2803, SD 2, HD 1  
 S.B. No. 2853, SD 2, HD 1  
 S.B. No. 2108, HD 1  
 S.B. No. 2213, SD 2, HD 1  
 S.B. No. 2319, SD 1, HD 3  
 S.B. No. 2330, SD 2, HD 2  
 S.B. No. 2392, SD 2, HD 3  
 S.B. No. 2833, SD 2, HD 2  
 S.B. No. 2566, SD 1, HD 1  
 S.B. No. 2583, HD 1  
 S.B. No. 2565  
 S.B. No. 2298, SD 1, HD 1  
 S.B. No. 2667, SD 1, HD 3  
 S.B. No. 2106, HD 1  
 S.B. No. 2543, HD 1  
 S.B. No. 2835, SD 1, HD 1  
 S.B. No. 2836, SD 1, HD 2  
 S.B. No. 2453, HD 1  
 S.B. No. 2671, SD 1, HD 2  
 S.B. No. 2914, SD 1, HD 1  
 S.B. No. 2181, SD 2, HD 2  
 S.B. No. 2408, SD 1, HD 2  
 S.B. No. 2981, SD 1, HD 1  
 S.B. No. 3099, SD 1, HD 1  
 S.B. No. 194, SD 2, HD 2  
 S.B. No. 2156, SD 1, HD 3  
 S.B. No. 2675, SD 1, HD 2  
 S.B. No. 3102, SD 1, HD 1  
 S.B. No. 2476, SD 2, HD 2  
 S.B. No. 2604, SD 1, HD 1  
 S.B. No. 2845, HD 1  
 S.B. No. 13, HD 1  
 S.B. No. 2788, HD 1  
 S.B. No. 2553, HD 1  
 S.B. No. 3070, SD 1, HD 1

At this time, the Chair stated:

"Members, please remember to submit to the Clerk's Office the list of Senate Bills on the Consent Calendar for which you will be inserting written comments in support or in opposition. This must be done by adjournment of today's floor session."

At 9:19 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:24 o'clock a.m.

**ORDINARY CALENDAR**

**UNFINISHED BUSINESS**

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1616-16) recommending that S.B. No. 2384, SD 1, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2384, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

"In opposition. I'd like to point out that these licensing care facilities are run by families with 24-hour jobs. At the time of the HLT/JUD hearing, DOH did not have anybody testify in favor of it, they just submitted written report stating that all the other states have this. They had nothing to rebut the fact that there already are surprise visits whenever it is required. To add in an extra stressor to small families who have these licensed care facilities in their home by having a surprise visit, merely to have it comply with all the other states, to me it is an added burden for no added purpose, for no added benefit. So in that regard, I stand in opposition."

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

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on SB 2384. I am very supportive of the provisions of the bill that pertain to unannounced inspections of medical marijuana dispensaries for license renewal. Medical marijuana, if not properly regulated, can negatively impact public safety and health on a societal level. We need double-check mechanisms to protect the public, including, but not limited to, unannounced inspections of dispensaries for the purpose of licensing.

"However, I am concerned about the sections of the bill relating to unannounced inspections of care facilities. Specifically, I am concerned about linking these inspections to re-licensing. Residential care facilities represent an important part of the health care spectrum, and we need to make sure that we do not place burdensome restrictions on these facilities that may cause them to leave the healthcare sector. I understand the need for inspections, but I would hope that we can find a way to inspect without compromising our overall health care network."

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

"Mr. Speaker, I will be voting with reservations. Let me just say that in the HRS or in the books right now, the administration has the right to go and inspect those care homes, *et cetera*, anytime they want to, unannounced. But when it comes to relicensing which is done once a year, right now in the books it says it's got to be announced. And the rationale for that is this, when they look at their relicensing application, it takes them about six to eight hours to process. Sometimes the care home operators, or the operators can possibly be out of their homes, because they are bringing their patients or residents to the hospital or doctors.

"So an investigator goes there to inspect and they're not there, they'll come back again. So they waste their time. So when it comes, for example, the reason for unannounced is to look at abuses, they already have the prerogative to look and inspect the place unannounced the whole year round.

"This is an added burden on the part of operators. I believe that in our community a lot of the operators are in the same ethnic group as yours truly. Some of them work 24 hours a day just to take care of the residents. And they are underpaid. They house them, they feed them, they bring them to the doctors, they take good care of them. And the administration already has the latitude to inspect those facilities all year round, unannounced.

"Only one now for relicensing once a year, and they're trying to come up unannounced? It's a waste of time on the part of the administration. Hopefully rational heads will prevail and do away with the unannounced portion of the bill for relicensing. Just leave the marijuana bill, and hopefully everybody will be happy and we will be helping a lot of people not to be stressed out. Thank you, Mr. Speaker."

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

"Thank you. Reservations, please, Mr. Speaker. Just a couple comments. First, I would like to adopt the words of the previous speaker as if they were my own," and the Chair "so ordered." (By reference only.)

Representative McKelvey continued, stating:

"Second is, I think this bill suffers from a legal problem, a big one, in the fact that you have two separate things going on in the measure that are not related to each other, all within one title. So I think the fact they have no nexus to each other whatsoever presents a legal challenge, in my mind.

"And finally, to be honest with you, this is like a reverse Reese's Peanut Butter, it's just two bad tastes that get terrible together. So I would hope that the conference committees can kind of figure out what they want to do with this and go one way or the other, but I think, given the comments of the previous speakers, I hope they would really look to the dispensary inspections instead. Thank you."

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

"Mr. Speaker, opposition to this hit piece against the mom and pop businesses. And may the words of the good Representative from the Big Island be entered into the Journal as my own. Thank you," and the Chair "so ordered." (By reference only.)

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

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

"A no vote, please, Mr. Speaker. Really quick, I wanted to mention that in this current version of the bill it still lists adult foster homes. In the testimony from the State Council on Developmental Disabilities, adult foster homes are not state facilities and therefore can't be subject to unannounced inspections as its personal people's homes. And I would like the words from the speaker from Puna inserted as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Cullen 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 Cullen's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on SB 2384, SD 1, HD 1. I support the unannounced inspection for marijuana dispensaries that will improve our communities' safety. My reservation is with section 2 of this bill regarding the relicensing and recertification for those homes that care for those in need. I want to ensure that our *kūpuna* and those who are being cared for are done so in a safe and responsible manner within a certified care home. That is why the Department of Health has the ability to do these unannounced visits, and I believe they need to develop efficient and effective alternatives of ensuring safety. This bill will adversely impact those homes that are properly caring for our *kūpuna*. As the bill moves through conference, I hope it will be amended to only include the unannounced inspection for marijuana dispensaries."

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

"Thank you, Mr. Speaker. In support. Thank you. I just want to tell everyone, because we've had so much discussion, to be concise, the purpose of the act is to require the Department of Health to conduct visits and relicensing or recertification inspections without notice for state-licensed care facilities and unannounced inspections for license renewals for medical marijuana dispensaries.

"I am in strong support, because I think we have to really be careful about the standard that we want for people that are in these facilities. The standard that we want people to live up to, given that we have licensed them, we told them what our expectations are. I do not believe unannounced visits are a bad thing. Unfortunately, maybe we could tighten

up the language a little bit on the hours, because I'd hate to have people show up at 11:00 at night when you have people in their home resting, because it could be a disturbance to people.

"But the reality is, unannounced, I've always believed in unannounced inspections, when it is a state-licensed facility, be it the medical marijuana dispensary or these care facilities. They signed up for it, they know what the expectation is. And the reality is, when people are in the care of other people, if the family members come in and they have complaints or they have concerns about the way something is run, they should be able to call the Department of Health and they should have an expectation that the Department of Health is going to respond to that complaint.

"So for those reasons I think this is really a good idea. And again, it has a defective date, it's going to conference. But overall, the idea is a good idea and we should move it forward. Thank you."

Representative Aquino 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 Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with some reservations on SB 2384, HD 1.

"The current language that would allow unannounced visits of medical marijuana seems reasonable and I support. However, the unannounced visits for residential-based homes for the purpose of relicensing and or recertification is a bit of a reach considering the limited resources of OHCA and the number of residential-based, state-regulated care facilities. Currently, there is an inspection process that facility owners already adhere to. Thank you."

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

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

Representative Matsumoto 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 Matsumoto's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this measure that requires the Department of Health to conduct unannounced visits and inspections for relicensing and recertification of adult care homes and medical marijuana dispensaries.

"As has been stated in testimony, unannounced inspections are a key tool that the Department uses to ensure compliance with the law and ensure safety of our constituents. With over 12,000 individuals in adult care facilities, safety is of paramount concern. We have also heard that unannounced visits are the industry standard across the country to regulate various large-scale industries, including adult care homes. Many large nonprofits support unannounced visits as they have the around-the-clock staffing and legal departments to meet such demands.

"However, unique to Hawaii are small-scale adult care homes, or those that attend to the needs of as few as one to three people. We have heard testimony from numerous small-scale home care providers that they view their role as accepting another member into their family and not simply as a money making venture that just happens to serve our *kūpuna*. Others testified that the DOH already has the authority in the Hawaii Revised Statutes to conduct unannounced inspection visits, so safety is not the

issue, since the Department may check for safety now. The issue is that the excessive paperwork burden that this bill imposes would likely put most of the small-scale operators out of business at a time when our *kūpuna* population is growing. If this were to happen, our ability as a state to ensure affordable, safe and effective adult care facilities would be greatly compromised.

"Unannounced relicensing visits may make sense for large-scale adult care providers and large-scale dispensaries where many people may be put at risk if the laws of Hawaii are not complied with, but would be excessive for our small-scale adult care homes that provide a unique service to our *kūpuna*. Given that the HRS has provisions for unannounced visits and that we have a need for small-scale adult care homes, perhaps the Department could work with these small-scale providers to offer a two to three week window of time where the unannounced relicensing visit will occur, so they may have the opportunity to gather the 50-plus pieces of required documentation and otherwise plan on being present for the visit and not be in transit with patients to their doctors' appointments.

"In favor of compromise, I humbly stand with reservations to Senate Bill 2384, HD 1. Thank you, Mr. Speaker."

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

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

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

"Mr. Speaker, with reservations. I support unannounced inspections for marijuana dispensaries, that's easy. On the other point of unannounced visits to state-licensed care facilities, there is a lot of wiggle room possible. Right now, the designation is that the inspections would occur on one particular day of the week, say a Thursday of a particular month, given that there are five working days per week.

"There's wiggle room. That is, you could reserve the ratio, make it four out of the five days, or you can keep it at the current situation, where the inspections will occur on only one particular day of the week. So I think this is something that could be fixed with a little bit more discussion. Thank you."

Representative Morikawa 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. 2384, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING INSPECTIONS," passed Third Reading by a vote of 42 ayes to 5 noes, with Representatives Aquino, Cachola, Cullen, DeCoite, Ichiyama, Johanson, Kobayashi, Matsumoto, McKelvey, Morikawa, Onishi, Pouha, Tokioka and Tsuji voting aye with reservations, with Representatives Lowen, McDermott, San Buenaventura, Tupola and Ward voting no, and with Representatives Ing, Kawakami, Oshiro and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1630-16) recommending that S.B. No. 2217, SD 2, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2217, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Strong support and written comments, please."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, strong support.

"Mr. Speaker, this is a great example of a successful public-private partnership. Mr. Speaker, in the Committee on Agriculture, the Department of Agriculture testified that if the State were to do the work that the East Kauai Water Users Cooperative did, it would be exponentially more expensive than the current appropriation. Mr. Speaker, the East Kauai Water Users Cooperative led by Jerry Ornellas is truly the definition of salt of the earth. Humble and hardworking, they ensure that the future of agriculture continues on Kauai. Let us remember that 'No water, no farms, no food.' Thank you, Mr. Speaker."

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

Representative Tokioka's written remarks are as follows:

"Thank you, Mr. Speaker, for allowing me to insert written remarks in support of SB 2217 that appropriates funds for operation, repair, maintenance, and improvement costs for the East Kauai Irrigation System by the East Kauai Water Users' Cooperative. I would like to thank Jerry Ornellas and members of the Kauai Hindu Monastery for all of their volunteer work. The \$75,000 a year to maintain this reliable irrigation system is a minimal amount compared to the cost it would take for the State to take over this system. It is my hope that we can find a reliable funding source so that East Kauai sewer and water are not having to come to us every year asking for a sum of money when in reality they are saving the State a great deal."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2217, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes, with Representatives Ing, Oshiro and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1632-16) recommending that S.B. No. 2812, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2812, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I request a ruling on a potential conflict. I work for a non-profit. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2812, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION," passed Third Reading by a vote of 48 ayes, with Representatives Ing, Oshiro and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1633-16) recommending that S.B. No. 2852, SD 1, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2852, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

"With reservations. First I want to note I'm not the one who pulled it off of the consent calendar. Secondly, I just wanted to say that it looks to me like we're giving a special deal to a specific affiliate of a local insurance company, and I'm not sure that makes sense on a number of levels, maybe first of which is just it must be demoralizing for other competitors to say, this one company is getting a special deal, how come I'm not. So, with reservations for now. *Mahalo*."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2852, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE HOLDING COMPANY SYSTEM," passed Third Reading by a vote of 48 ayes, with Representative Rhoads voting aye with reservations, and with Representatives Ing, Oshiro and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1635-16) recommending that S.B. No. 2863, SD 2, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2863, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, minor reservations, quick comment. The testimonies that were submitted, there was only two big groups, and I was just needing more time to speak with some of the massage therapists, as many of the smaller ones didn't have a chance to look at it. It seems as though they're all in favor of it. However, there wasn't many testimonies submitted, and this is regulating their profession. So with that, minor reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2863, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS," passed Third Reading by a vote of 48 ayes, with Representative Tupola voting aye with reservations, and with Representatives Ing, Oshiro and Thielen being excused.

At 9:37 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2384, SD 1, HD 1  
S.B. No. 2217, SD 2, HD 1  
S.B. No. 2812, SD 2, HD 2  
S.B. No. 2852, SD 1, HD 1  
S.B. No. 2863, SD 2, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1636-16) recommending that S.B. No. 3101, SD 1, as amended in 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. 3101, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE PARTNERSHIPS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Choy voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1637-16) recommending that S.B. No. 2624, SD 2, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2624, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, with reservations. Comments that, in regards to the neighbor islands and the cost of supplies that they have to pay in comparison to Honolulu, I believe that their cost is much higher. And for that reason I have reservations. They should be fairly reimbursed on the higher cost to the neighbor island teachers. Thank you, Mr. Speaker."

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. 2624, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives DeCoite and Jordan voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1643-16) recommending that S.B. No. 2894, SD 2, HD 2, as amended in HD 3, 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. 2894, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives McDermott, Tupola and Ward voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1646-16) recommending that S.B. No. 2823, as amended in 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. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1647-16) recommending that S.B. No. 2231, as amended in 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. 2231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1649-16) recommending that S.B. No. 2563, SD 1, 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. 2563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

At 9:40 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 3101, SD 1, HD 1  
S.B. No. 2624, SD 2, HD 1  
S.B. No. 2894, SD 2, HD 3  
S.B. No. 2823, HD 1  
S.B. No. 2231, HD 1  
S.B. No. 2563, SD 1, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1652-16) recommending that S.B. No. 2560, SD 2, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2560, SD 2, HD 1 pass 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. 2560, SD 2, HD 1, entitled: "A



BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Third Reading by a vote of 49 ayes, with Representative Jordan voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1654-16) recommending that S.B. No. 2569, SD 1, 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. 2569, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1655-16) recommending that S.B. No. 2755, SD 1, 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. 2755, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1657-16) recommending that S.B. No. 2439, SD 1, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2439, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

Representative Matsumoto 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. 2439, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Matsumoto voting aye with reservations, with Representative Tupola voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1658-16) recommending that S.B. No. 2411, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2411, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Register a no vote, please. Currently, the four county police chiefs are convening about this and they're implementing it as soon as they can with specific staffing and duties that they need to do. So for those reasons, I think it's already going towards the direction we would like it to go. Thank you."

Representative Har 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 Har's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill 2411, SD 2, HD 2, with reservations. The purpose of this bill is to establish requirements, restrictions, and implementation guidelines for body-worn cameras and vehicle cameras for county police departments, as well as funding a body- and vehicle-camera program through state grant matching of county funding. While I support the intent of the bill to increase accountability

and transparency in law enforcement, I have reservations about the scope, structure and cost of the intended program.

"The scope of this program will be grand. Video files are large, and having a large number of cameras recording every day will bring law enforcement agencies deeply into the role of data storage and processing. In the language of the bill, videos recorded by law enforcement agents will need to be held for between one and three years by the agency employing the device. Where these videos are held and how they are used is poorly addressed by the bill. As many testifiers mentioned about this bill, the line of public-private life is blurred by such extensive footage, and the public nature of it. There must be a legal framework to encompass this and ensure that the public is protected in its right to privacy to a further extent than the bill currently provides. In the internet age, footage can be a tool for transparency just as much as it can be a tool for legal spin, public shaming, and selfish gain. Establishing strong protections for the public and setting hard standards for control over footage needs to be done early on, as dissemination and framing of footage in today's world is powerful enough to sway the public at-large and even influence jury pools. The lives of private citizens should not be freely publicized or framed at the whims of social, private, or public media. It is important to realize how ambitious this undertaking is in the age we live in, and take care to do it with foresight, keeping the rights of the public in mind.

"This leads to my second reservation as to the structure of the proposed program. The massive amounts of data that will be collected and stored under this bill will need to have a level of standardization to allow counties, courts, and law enforcement agencies to transmit and use the data efficiently. This raises questions: Will smaller agencies with fewer cameras still require investment in storage and staff to hold the footage? Will they be allowed to work with another agency to centralize footage, or must the footage remain with the specific agency? The bill as it stands does not effectively address these, and a more specific answer to these questions would help ensure the success of the program.

"The scope and structure of the bill will eventually compound costs upon costs unless these shortcomings are addressed specifically. As the adoption of body and vehicle cameras proceed, more complex systems of organization, more hardware, and more staff will be required to handle the influx of video footage. In the current language, this financial and logistical burden is simply on 'the agency which employs the law enforcement officer.' This disproportionately affects smaller agencies, who will need a base level of hardware, organization and staff to implement the policy, and given my aforementioned concerns with how agencies will keep up with the footage and even how they will be allowed to, there is no real way to predict the expense this will generate for the State and counties. The language only provides the appropriated funds to departments for cameras, it does not account for other costs. It would be a shame to see a program with such potential fail because the costs were not properly analyzed or controlled.

"For these reasons, Mr. Speaker, I stand in support of Senate Bill 2411, SD 2, HD 2, with reservations. Thank you, Mr. Speaker."

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

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

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

Representative LoPresti's written remarks are as follows:

"We need to realize that legislation has not kept up with the technology, and any bill requiring cameras should also ensure that both citizens and police officers deserve to know when and under what circumstances they and their activities are being recorded, who has access to that footage, why and under what circumstances, how long footage is kept, and what are the rules regarding its deletion. Privacy is a growing issue in our digital lives, and parts of this bill aims to protect our rights as citizens, as well as establish what the police force can do with body camera footage. It is time

that we begin to recognize the need for and establish in law our digital civil liberties."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2411, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT CAMERAS," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives DeCoite, Har and Ward voting aye with reservations, with Representatives Kawakami, Kong, McDermott and Tupola voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1659-16) recommending that S.B. No. 2444, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2444, SD 2, HD 2 pass 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."

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

"I know there are many Members who still have some concerns, so on behalf of them and myself, reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2444, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Jordan and McKelvey voting aye with reservations, and with Representatives Ing and Thielen being excused.

At 9:44 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2560, SD 2, HD 1  
S.B. No. 2569, SD 1, HD 1  
S.B. No. 2755, SD 1, HD 1  
S.B. No. 2439, SD 1, HD 1  
S.B. No. 2411, SD 2, HD 2  
S.B. No. 2444, SD 2, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1660-16) recommending that S.B. No. 2512, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2512, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations. Mr. Speaker, I share some of the DLNR's concerns that the exemption in this bill allowing for the trap, neuter, release actually can continue the problem rather than help solve it. And so just a quote from the DLNR, which I totally agree with, the department suggests that this practice, that is TNR, should not be exempted from laws regarding animal desertion and that subsection (c) on page two, lines 15 and 16 of this measure should be removed. I wholeheartedly agree with that.

"The reason is that the TNR practice and the idea that people can then abandon their animals to these cat colonies provides them with false moral comfort, Mr. Speaker, that these animals will then be taken care of by some good Samaritan. And that should be removed and they should face both the moral knowledge and reflection that what they are doing is wrong, and also that the State is not and a good Samaritan is not going to step in

and take care of their responsibilities that they are abandoning, and that is the life of an animal. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2512, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Third Reading by a vote of 49 ayes, with Representative LoPresti voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1661-16) recommending that S.B. No. 2924, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2924, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

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

"Mr. Speaker, reservations. And I'll reserve my comments if it makes it to final day. Thank you, Mr. Speaker."

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2924, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF TAX RETURN INFORMATION," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Choy, Ichiyama, Jordan, Kawakami, Morikawa, Oshiro, Say, Takayama, Tsuji, Tupola, Ward, Yamane and Yamashita voting aye with reservations, with Representatives DeCoite, Har, Kong and Tokioka voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1662-16) recommending that S.B. No. 3024, SD 1, HD 1, as amended in HD 2, 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. 3024, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS COMMISSION," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1666-16) recommending that S.B. No. 2837, SD 1, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2837, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Ruling on a potential conflict. My husband is a firefighter. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1667-16) recommending that S.B. No. 2839, SD 2, HD 1, as amended in HD 2, 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. 2839, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1669-16) recommending that S.B. No. 2904, as amended in 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. 2904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC MITIGATION BANKS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1670-16) recommending that S.B. No. 2618, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2618, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In support. I would like to put comments into the Journal. And just a message to the conference committee, although I would love to be on it because it affects commerce and consumer protection greatly, I hope that they will keep the intra-island portion of the study in there and keep them separate, because it will restore a lost opportunity that happened when the Superferry first came to Hawaii, Mr. Speaker.

"Real quickly, Austal built the Superferry, was tested in Mobile Bay, Alabama, and its purpose was to be used in the Persian Gulf. Areas that are all flat water with no marine activity and no wave action. It wasn't meant to be charging through the five roughest channels in the world. However, there are channels, like the North Sea Channel, where boats regularly take passengers and vehicles back and forth. They're not sexy, they're not fast. In fact, they're called sea cows. But they get the job done. That's a separate

mode of transportation, but I think for Oahu and West Oahu, the Superferry could be the silver bullet, Mr. Speaker.

"Talking to one of the pilots back in the day, when the special session happened, they said they can make a run from Kalaeloa to downtown Honolulu in 19 minutes, with about 600 cars. Think about that. Four ferries going through three hours of rush hour, how many cars that would be off the road. Not to mention all the return cargo and other types of things going to West Oahu that are now off the road.

"I think it can be done cheaper and faster and help to really alleviate traffic now, so I hope that when this conference committee and the task force get together, they look at the Superferry as a real solution for traffic challenges in West Oahu, but also look at a suitable solution for the neighbor island channels that need that reliable service that can plunge through those channels. Thank you very much."

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, I stand in strong support of this measure. Currently, air transportation is the dominant means of travel between the Hawaiian Islands, and an interisland ferry system would offer a transportation alternative for passengers and cargo traveling between the Hawaiian Islands. A local ferry system would also provide an attractive shipping option for small businesses and farmers, while enabling *kūpuna*, disabled individuals, families with infants, and youth groups to enjoy another mode of travel between the islands. I also believe during times of statewide emergencies caused by natural or man-made disasters, it would be a practical way to move people, equipment, food, and supplies between the islands. Additionally, as Hawaii grows, the need for improved transportation services is urgently needed. In an effort to foster statewide food resiliency, we cannot depend solely on air transport, and new food safety regulations coupled with market needs require improvements in transportation for the agriculture industry.

"When the interisland ferry was last implemented, it proved to be a popular transportation choice. Surveys continue to show that an overwhelming majority of the people of Hawaii want a ferry service. This bill enables the State to take a critical first step in addressing important environmental issues that were bypassed the first time and a major reason the ferry service was halted. In addition to this, the proposed feasibility study in this bill should look at the data collected for the prior State DOT ferry pilot project, the City's TheBoat operation, and the former Superferry concept. I believe a market survey and business plan should also be a part of the study to determine how such a ferry operation could be fiscally sustainable with minimal impact to consumers and taxpayers. It should be noted that there needs to be a more coordinated effort among the agencies and potential operators in developing an environmental assessment that would meet the requirements of Chapter 343 HRS as a 'public disclosure' document, and avoid future challenges that 'sunk' the Superferry's operations in Hawaii.

"The best model for a Hawaii interisland ferry service I have identified is the existing service operating with two conventional ferry vessels between Mainland Australia and the island state of Tasmania across the Tasman Straits. I believe the best prospects for introducing a successful Hawaii interisland ferry would be using a conventional displacement hull ferry of the kind that commonly operate throughout Europe. This kind of vessel would be far more economical to acquire and operate than the high-speed aluminum-hulled catamaran ferry vessels of the Hawaii Superferry, and should have better sea-keeping characteristics.

"For these foregoing reasons, I support SB 2618, SD 1, HD 2."

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

"Thank you, Mr. Speaker. With strong support. I ask that the previous speaker's words be entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative LoPresti continued, stating:

"I would add that if they were transporting that many people, they wouldn't even need to have the cars on the ship with them. I moved to Ewa Beach originally because I bought a home in a place that said there was going to be a marina and I could walk down the street two minutes and get on a boat and take it down to the harbor here and get off and be at work.

"Well, that didn't quite work out. But I think there is clearly a demand for these kinds of intra-island. There used to be an intra-island ferry run by the Navy at Iroquois Point, and it took hundreds and hundreds of cars off the road as well. And I think there's many excellent options here for intra-island ferry service just on Oahu alone. Thank you."

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

"Thank you, Mr. Speaker. In support. I also want to expound and support the comments from the first speaker that the inter-island ferry is needed in Kalaheo Harbor, which is part of my district, to Waianae Harbor, which many of the residents of Waianae commute there every day. It's such a small stretch, but yet it takes people hours because of traffic. And yet there's two harbors right there that possibly could be served by something smaller, from one harbor to another.

"And so, in support, and I hope that, in that hearing there was a man that disclosed that he had all the documents, the pros and the cons, the positive and the negatives that happened the first time the ferry went through, as he was part of the team that built it. And I hope that those documents are looked forward. I have them, and if anyone wants them, you can look at them. A full I guess disclosure of things that we should avoid and things that we should pursue in regards to the past experience with the Superferry. Thank you."

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

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

"Thank you, Mr. Speaker. In support. I'd like the comments of the Representative from Lahaina adopted into the Journal," and the Chair "so ordered." (By reference only.)

Representative Lowen continued, stating:

"Just a few brief comments. I think we do need travel alternatives for neighbor islands. But when we did have Superferry between Maui and Honolulu, I think the trip was about three and a half to four hours from Honolulu to Kahului. And to Big Island it would probably be close to double on very rough seas, so it's not the alternative quite that people think it is, and we do need to I think in future sessions look at what we can do to reduce the cost of air travel. Because this won't be the silver bullet to neighbor island travel issues."

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

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

"Thank you, Mr. Speaker. In strong support. May I please adopt the words of the Representative from Lahaina? Thank you very much," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In strong support. May I please request that you insert the words of the Chair of CPC into the Journal as if they were my own? Thank you," 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 S.B. No. 2618, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

At 9:54 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2512, SD 1, HD 2  
S.B. No. 2924, SD 2, HD 2  
S.B. No. 3024, SD 1, HD 2  
S.B. No. 2837, SD 1, HD 1  
S.B. No. 2839, SD 2, HD 2  
S.B. No. 2904, HD 1  
S.B. No. 2618, SD 1, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1671-16) recommending that S.B. No. 2652, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2652, SD 2, HD 2 pass 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."

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

Representative DeCoite 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 S.B. No. 2652, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives DeCoite, Har, Jordan and Tokioka voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1673-16) recommending that S.B. No. 2680, SD 1, as amended in 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. 2680, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1675-16) recommending that S.B. No. 2811, SD 2, as amended in HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2811, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In strong support and may I request permission to enter written comments into the Journal? Thank you."

Representative Har's written remarks are as follows:

"Mr. Speaker. I rise in support of Senate Bill 2811, SD 2, HD 1. I thank the Governor's Administration for bringing this idea back to the floor this year, and I hope my fellow legislators will see the same importance in this bill now as I intended a similar measure last year when I proposed it as HB 1248. The intent of the bill is to abrogate parental rights from the perpetrators of a sexual assault which resulted in conception. I have heard many horror stories of women who were sexually assaulted, only to have the abuser granted custody over the child by the court system. I continue to

strongly approve of this legislation as a vital redress for sexual assault survivors across the State.

"The findings by both the State of Hawai'i and the Congress of the United States on the occurrence and ramifications of sexual assault are disheartening. The system of parental rights in the nation's judiciary has been leveraged to victimize our brothers and sisters who are already survivors of a heinous offense. Perpetrators of sexual assault time and time again use threats of court proceedings to gain custody of resulting children in an attempt to dissuade sexual assault survivors from pressing charges or taking other legal action against them. To be a victim already traumatized by such an egregious crime, such threats can shake any sense of hope or faith in pursuing recourse or justice.

"This bill is a much-needed attempt to restore a sense of hope and faith in justice for sexual assault survivors statewide. We should do our part as leaders to protect the rights of the survivors as robustly as possible. Only then can we ensure that offenders cannot use the legal system to commit further crimes against their victims.

"The manipulation of the law by abusers and criminals must end, Mr. Speaker. This bill will give sexual assault survivors in our state the rights they need and deserve. For this reason I stand in support of Senate Bill 2811, SD 2, HD 1. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2811, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1678-16) recommending that S.B. No. 2673, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2673, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, opposition, brief comments. Mr. Speaker, travel agencies have been dying left, right, front and center. They are almost like with dengue, Zika and whatever you call it, they're dying off. This bill, which turns them into not only travel agents, mom and pop, basically at home, but it makes them travel desks. Travel desks are what we usually have at the hotel lobbies in Waikiki. My point is, Mr. Speaker, this is probably the final nail in the coffin for those who want to bear through it and probably the other ones will drop off.

"We need to nurture our small businesses. Travel agencies have been overcome by the internet, they have been overcome by what is otherwise done online, and this one making more regulations is, I'm afraid, the last strangulation blow to these guys. For those reasons, Mr. Speaker, I hope we reconsider this. Thank you."

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

"Thank you, Mr. Speaker. A no vote, please. Just real quick, the DCCA commenting also that this is requiring two licenses now by these businesses, so the duplicative nature of the bill I think is unnecessary for small businesses that are trying to survive. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2673, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives McDermott, Tupola and Ward voting no, and with Representatives Ing and Thielen being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1679-16) recommending that S.B. No. 2668, SD 2, HD 1, as amended in HD 2, 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. 2668, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1680-16) recommending that S.B. No. 2896, SD 1, HD 1, as amended in HD 2, 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. 2896, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Ing and Thielen being excused.

At 9:57 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2652, SD 2, HD 2  
S.B. No. 2680, SD 1, HD 1  
S.B. No. 2811, SD 2, HD 1  
S.B. No. 2673, SD 2, HD 2  
S.B. No. 2668, SD 2, HD 2  
S.B. No. 2896, SD 1, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1681-16) recommending that S.B. No. 2301, SD 1, 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. 2301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KEAHOLE MANAGEMENT GROUP LLC," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Tupola and Ward voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1684-16) recommending that S.B. No. 2878, SD 1, 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. 2878, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1685-16) recommending that S.B. No. 2196, 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. 2196, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1686-16) recommending that S.B. No. 2289, SD 1, 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. 2289, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1689-16) recommending that S.B. No. 1374, SD 2, HD 2 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1374, SD 2, HD 2 pass 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."

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

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

Representative Matsumoto's written remarks are as follows:

"Mr. Speaker, I rise in strong support of SB 1374, SD 2, HD 2 to allow DOA to negotiate a land exchange with Dole.

"One-third of my district is comprised of these lands, which are perfectly situated for the agricultural uses intended. The largely contiguous 15,000 acres have a deep history in providing for our island, in both food sustenance and the local economy. Now is the time for the next chapter in its history.

"This bill allows for agricultural lands to remain used for agricultural purposes where food source and production has been proven. Most importantly, we have a constitutional obligation and responsibility to protect agricultural lands. This allows us to work towards food sustainability and security, while protecting our islands for future generations.

"Secondly, this bill may grow the agricultural industry through agricultural diversification and the encouragement of more small farms. There is a national trend of revitalized interest in farming, and keeping these lands zoned for agriculture will allow for this industry to once again flourish.

"Finally, this area of Oahu is uniquely equipped with vital resources in land, workforce, and potential infrastructure needed for the agricultural industry. Generations of knowledge, experience, and learned labor provides the perfect opportunity to use the existing lands and people to move us forward. Thus, I strongly support this land exchange and this bill.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1374, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Third Reading by a vote of 49 ayes, with Representatives Jordan and Tupola voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1690-16) recommending that S.B. No. 2916, SD 1, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2916, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

Representative Keohokalole's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this bill because I think this bill is redundant because this offense is already against the law. HRS 134-7(b) already prohibits the possession of weapons belonging to felons. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2916, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Keohokalole voting no, and with Representatives Ing and Thielen being excused.

At 10:00 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2301, SD 1, HD 1  
S.B. No. 2878, SD 1, HD 1  
S.B. No. 2196, SD 2, HD 1  
S.B. No. 2289, SD 1, HD 1  
S.B. No. 1374, SD 2, HD 2  
S.B. No. 2916, SD 1, HD 1

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1691-16) recommending that S.B. No. 2647, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2647, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In strong support. I ask that my comments from the ivory House Bill be entered into the Journal as if they were my own. And just note that 85% of the voters here in Hawaii support a prohibition on the sale of ivory and other endangered species, parts and products. And I'll keep my moralizing to the comments this time. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. Standing in support. Mr. Speaker, sorry not addressing you on the rostrum, but the real Speaker, the one from Maui. So the real speaker, if you recall, approached me in January of this year and, Mr. Speaker, you asked me to address this issue and provide a comprehensive bill that both the House and Senate could be proud of. So, Mr. Speaker, you have that bill before you today.

"Mr. Speaker, I rise in support. This bill is relating to the sale and trafficking of wildlife. This bill sets standards for the sale and trade of wildlife in order to preserve and defend endangered animals. There needs to be improved coordination between Hawaii's natural resources laws and governing authorities in order to protect these land and marine species from ending up in the black market trade.

"Many of these illegal activities and trade in ivory are financially supporting terrorist groups. For example the African militia group such as Janjaweed in Sudan, Uganda's Lord's Resistance Army, and Somalia-based Al Shabaab rely on the sale of this blood ivory to fund their terrorist activities.

"Mr. Speaker, the bill before you tries to address Hawaii being the fourth largest black market globally. Mr. Speaker, this bill before you incorporated the feedback from the Hawaii Rifle Association, the conservationists as well as the State Department of Land and Natural Resources.

"To address these trafficking issues, we focused on addressing the importers, exporters and sellers that do not provide the appropriate documentation required by federal law. Mr. Speaker, this bill does not go after law-abiding citizens who own these ivory items through passing it

down family to family or purchasing it through the appropriate legal means.

"Mr. Speaker, we have taken the comments by the community very seriously. So with all their input we have put in an exemption that includes and protects musical instruments, guns and knives, and requires that they have less than 20% of ivory by volume. Mr. Speaker, throughout the process we have kept in constant contact with the Hawaii Rifle Association and Hawaii musicians regarding the language presented in the bill before you.

"Mr. Speaker, I would also like to announce that there was a recent poll done on February 23rd, 2016 in which 505 surveys were completed on the islands of Oahu, the Big Island, Maui and Kauai. And Mr. Speaker, the response was overwhelmingly in support. Over 85% supported the overall ban and protection of these animals. Mr. Speaker, this survey also looked at homes that had gun owners, hunters, and those who supported the gun industry, and again, over 80% of those households supported this measure.

"Mr. Speaker, it is time that Hawaii stands forward and addresses this black mark against Hawaii's name as being one of the third largest black market section for dealing with ivory and all these other protected animals. So, Mr. Speaker, I am proud to present this bill before you. Thank you."

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

"Thank you, Mr. Speaker. Before, I've gone with reservations on this measure because of the concerns that I and others have had. I want to really thank the Water & Land Chair for the work he has done, and for that reason I'm going in support, Mr. Speaker. He has done a meticulous job in listening to every concern, addressing every issue, and really bringing a commonsense approach, mirroring that of a federal government to the table.

"So, I just want to thank him again for all the hard work and for listening to everybody, whose concerns were legitimate. It wasn't that they hate elephants or love ivory poaching, but their concerns were legitimate. And he has woven them into a bill that I believe, as he says, puts Hawaii forward on the issue. So, thank you very much."

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

"Mr. Speaker and Members of the House, I want to congratulate the Chair of Water & Land for a wonderful bill and a job well done. Thank you very much."

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

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

"In support, and may I ask that the words from the Representative from Lahaina be inserted as if they were my own, about the Chair of Water & Land. He got a haircut just like me, so thank you, Mr. Chair," 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 want to thank the Water & Land Chair as well. Just minor reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2647, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES," passed Third Reading by a vote of 49 ayes, with Representative Tupola voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1693-16) recommending that S.B. No. 2888, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2888, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations. I am hoping that in conference committee they work out the fine details with some of the concerns brought up by the family court personal records, and hope that it can get to a point where the state hospital and the courts agree with the version of the bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2888, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH PROCEDURES," passed Third Reading by a vote of 49 ayes, with Representative Tupola voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1694-16) recommending that S.B. No. 2102, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2102, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations. My quick comment is that this current version of the bill takes out 107 positions for the family court, a total of \$5.1 million. I know that on March 29th that was the current listing of vacancies, so they had about 107 vacancies to this day, April 11th. They filled eight of those vacancies and they have progress on the other 99.

"I think hopefully by the time that this final version comes out, they can take into consideration their efforts to fill those positions and help the family courts. I know with the Kona courts coming out and different steps forward we've made for the courts, they need to quickly fill these positions so that we can get the courts to where they need to be in. So I hope that in conference they can consider that and not take away all of these needed positions. Thank you."

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

"With reservations. I understand that Finance Chair has a difficult job in coming up with a budget. And I understand full well that the Judiciary asks for a lot of money. However, whenever we enact laws like the environmental court getting tougher on family court cases, like abuse of family household member, we've got to give them money so that they will be able to enforce it. And these added vacancies that they are requesting that be funded that were removed in HD 1, I request that the conference committee really consider adding back some of the funding for these vacancies, so that we can enforce the laws that we pass. Thank you."

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

"Mr. Speaker, as a member of the Finance Committee, I would be amiss if I didn't note my reservations on this bill. My understanding was, this was an ILAF exchange. ILAF is Indigent Legal Assistance Fund. That was being, according to some individuals, not used properly and therefore we were going to exchange out special funds of that fund for general funds. But having a hit piece of \$5 million was not in my understanding, when it was voted on an HD 1 or HD 2.

"Mr. Speaker, for that it's a bit of a surprise. And for other things that we've been trying to hit the Judiciary with, *i.e.* ERS and other deductions, I think this is unfair and the conference committee, as previously noted, should take into full consideration for full refunding of those \$5 million that's missing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2102, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives San Buenaventura, Tupola and Ward voting aye with reservations, and with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1695-16) recommending that S.B. No. 2131, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2131, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. I'd like to thank the Chair of the Energy & Environmental Protection Committee and the Chair of the Finance Committee for reviving this bill. Hopefully it will make it on through final reading. Thank you very much, Mr. Chair."

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

"Strong support, written comments."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, strong support."

"Mr. Speaker, as a former board member of the Kauai Island Utility Cooperative I can attest that this tax exemption is in order. The naphtha fuel we utilize in our Kapaia Power Station was never intended to be taxed as a transportation fuel. This measure would ensure that over \$4 million goes back to our member-owners. Yes, Mr. Speaker, unlike other utilities across the State, KIUC is member-owned, meaning that it is truly non-profit and any revenue that exceeds expenses is rightfully returned back to the members. Mr. Speaker, for these reasons I stand in strong support."

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

"Thank you, Mr. Speaker. Strong support. This is very important to Kauai. I'd like to have permission to insert written comments. Thank you."

Representative Morikawa's written remarks are as follows:

"KIUC continues to believe that the primary purpose of the fuel tax is to provide funds for highway construction and maintenance (or in the case of aviation fuels, funds for airport construction and maintenance). This has been accomplished over the years by imposing the tax on fuel sold for on-highway use. KIUC believes that the intent of the law is to exclude naphtha sold and used for power generation purposes from the state vehicle transportation and respective county fuel taxes.

"Senate Bill No. 2131, SD 2, HD 2 clarifies this interpretation. KIUC uses approximately 15 million gallons of naphtha annually in the generation of electricity, which represents approximately 50% of KIUC's yearly electrical energy production. This would result in an additional \$4.4 million tax expense that would increase KIUC's cost of purchased fuel and raise the average residential electric bill by 7% or about \$10 a month.

"As you know, KIUC is a member-owned electric cooperative. Unlike for-profit corporations (*i.e.* investor-owned utilities), cooperatives are not-

for-profit and member-run. Without the need for profits and shareholder dividends, cooperatives are free to invest what would normally be profits (cooperatives call them 'margins') in the business by allocating margins to the cooperative's members as capital credit contributions, or, eventually, by making patronage capital refunds to its members; and otherwise generally using the monies collected for the general welfare of the cooperative members. Any additional expenses would be passed through to our members and reduce KIUC margins that would impact patronage capital refunds back to our members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2131, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1696-16) recommending that S.B. No. 3126, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3126, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In support. This is the bill that requires the Department of Education to become net-zero in 2035 and requires annual reporting towards that goal. I am hugely grateful that it looks like we're on the verge of appropriating \$100 million from our green infrastructure special fund, \$30 million from the general fund, but I realize there's a lot of work to get there by 2035. We can't bind future legislatures to continue that work, and sometimes the reports, this bill requires reporting, sometimes reports, in my experience, don't always incite action by the Legislature.

"I hope that we realize there's a lot more work and resources to be done, should we be serious and pass this bill out and put this goal to have our schools net-zero by 2035, and realize that sometimes it might require sacrifice in the years between now and then to appropriate the resources needed. Thank you, Mr. Speaker."

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

"Just in strong support and would like the words of the Vice Chair of Education entered into the records as if they were my own," and the Chair "so ordered." (By reference only.)

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

"In support. I also ask that the comments of the Vice Chair of Education be entered into the Journal as my own. Thank you. And I would just add that the microgrid section, if I understand it correctly, is also very forward-thinking, because many public schools serve as shelters in the case of natural disasters. And this allows for setting them up so that they have their own power with PV on and their own microgrid so that people will have energy in the event of a natural disaster. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In strong support. Just briefly, I wanted to thank the various chairs of the other committees for prioritizing, obviously cooling for our schools, which is of utmost importance. I'd like to just briefly also share that the funding for this I think is critical and I think both the House and Senate have made that clear, as well as the Governor, and hope this moves forward. But in doing so I think it is incumbent upon us as the Legislature, as the gatekeepers of funding to our departments, to make sure that there are cost controls put in place.

"One thing that this bill has in it, which the previous bill that this body considered did not, was a requirement that as the department implements AC in our schools and as it implements efficiency and conservation and



other renewable technologies, it does so in concert, so that the additional load placed on the grid and the additional electric costs that would be placed on us and on taxpayers is minimized, making sure that it rises no more than 10%. This provides the department with a little bit of a buffer, but also ensures that, as we've seen in some schools already demonstrated, when you air condition a school campus, often that can lead to more than doubling of electric costs.

"Currently, the department spends about \$48 million a year on its electric bill. And I don't think we want to come back and have that be \$100 million next year or the year after. That's the protection that's built in for today. But in the long term, the real question is, how do we get beyond that additional cost, which we continue to bear for the cost of energy and electricity?"

"Setting a long term goal to ensure the department can one day produce as much renewable energy as it consumes not only incentivizes conservation and efficiency, but does so in a way that ensures that as we continue to put money into our educational system, into our facilities, they are built to standards that are incredibly doable today already, but also ensure that conservation and energy efficiency ends up reducing that electric bill over the long term.

"Every dollar we put into our electric bills is a dollar less that we put into classrooms, into teachers, into supplies, into our students, which is, I think, something that we have an obligation to do where possible. Through this, we have an opportunity to do just that and create for the first time an incentive and a directive to the Department of Education to reduce those costs, so that we can put those dollars where they're better spent.

"Already we've seen the University of Hawaii this past year pick up this standard with the 2035 goal, which is 20 years to convert its facilities, which is incredibly doable at the current rate of investment that the State is making for maintenance and all the other things that we're trying to tackle.

"What this really does is mimic the larger goal that we've set for the State. Being 100% renewable by 2045. Already our progress toward renewable portfolio standards has saved our consumers and our people here in Hawaii over \$237 million. And that number is growing every year as we avoid costs for electricity generated by fossil fuels and other more expensive technologies.

"Mr. Speaker, by moving ahead at our facilities, especially where our kids are involved, where our money is best spent on them and not electricity costs, we can move the needle and ensure over course that we are no longer spending millions of dollars on unnecessary costs that five years from now, ten years from now, are expected only to grow. So with that, Mr. Speaker, thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3126, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Third Reading by a vote of 49 ayes, with Representatives Ing and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1697-16) recommending that S.B. No. 3084, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3084, SD 1, HD 2 pass 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."

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

"In support with minor reservations. This bill still gives a tax credit to very wealthy people. I would like to have the exemption, not only for people who are making over \$200,000 per person, but let's bring it down to

\$100,000 per person so that the very rich are not the only ones who could take advantage of this. Thank you very much."

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

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

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

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

"Thank you, Mr. Speaker. In support. Just with some comments. The environment doesn't know the difference between who is wealthy and who is not, and because, and I've said this many times this session, because the Department of Health is not putting forth the rules package that would make any of these cesspool conversions mandatory, taking advantage of this tax credit is completely voluntary. So if we limit it to people under a certain amount of income, they'll still have to come up with \$15,000 or \$20,000 out-of-pocket to pay for the conversion.

"So, I don't think that a lot of people will necessarily choose to voluntarily do that, or could afford to. So if we limit it from families on the upper end of the income scale who might voluntarily put in that extra \$15,000 or \$20,000 to be able to take advantage of the tax credit, which would then benefit the environment by getting rid of cesspools that are right next to the ocean, basically flushing our toilets onto our reefs and there is a lot of scientific evidence that this is happening. So I just think there is another side to that that people have to consider."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3084, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Third Reading by a vote of 49 ayes, with Representatives DeCoite, Har, Jordan, San Buenaventura and Tupola voting aye with reservations, and with Representatives Ing and Thielen being excused.

At 10:20 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2647, SD 1, HD 2  
S.B. No. 2888, SD 2, HD 2  
S.B. No. 2102, SD 1, HD 2  
S.B. No. 2131, SD 2, HD 2  
S.B. No. 3126, SD 2, HD 2  
S.B. No. 3084, SD 1, HD 2

At 10:20 o'clock a.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:47 o'clock a.m.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1698-16) recommending that S.B. No. 3071, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3071, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd be remiss in not supporting this bill. This land mentioned in this bill is the land where Senator Kahele was born. He was actually born in a grass shack on that land, that very land, near a very well-preserved Holua Slide. So it's not just because this was one of his dying wishes, to have preserved this land, but because the land itself deserves to be preserved. So for all those reasons, I stand in support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3071, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ACQUISITION OF MAKAI LANDS OF KAPUA IN SOUTH KONA ON THE ISLAND OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1701-16) recommending that S.B. No. 2738, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2738, SD 2, HD 2 pass 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."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this is the bill that has an energy storage rebate mainly for battery storage. Anytime the government gives away a tax credit or rebate, what we're doing is opening up the State of Hawaii's check book and writing a check to individuals. I think that this is going to be available only to those folks who have means to pursue this course, and I think it's going to exclude many people who can't afford it or who are renting.

"Secondly, I just feel that burgeoning private industries should be driven by true costs, innovation, market forces and their product, and not subsidies. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations, please. I just still am unsure about using the GEMS loan program money as a rebate, and I know that my colleague from Kailua is really passionate about making sure that money is spent well. So, those are my reservations, thank you."

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

"Thank you, in support. Just to clarify, this bill when it came over from the Senate was a tax credit looking at subsidizing energy storage, which has been obviously the next evolution of technology that can allow people to save on their electric bills. As the PUC and others have pointed out, it is where we need to go to be able to install more renewable energy on the grid and allow more PV on the grid in communities where you have reached your circuit capacity.

"I really want to commend the Finance Chair for moving this forward, because what it does is actually tackles that problem without taking any money out of the State's pocket book. Instead of doing a tax credit, which impacts the general fund and all the other programs which we all hold dear, this instead uses dormant funding out of the green energy market securitization program.

"Back when that was first created about three years ago, the PUC, DBEDT, HECO, the consumer advocate, everybody said, you know what, this is going to be great, we're going to empower local homeowners, especially those who can't take advantage of solar and other things because of a high upfront cost.

"Now three or four years later, that program has not got off the ground, and all that money is still sitting right there. We have an obligation, I believe at this point, to make that funding available for its original purpose, which is for the residents of this state, particularly those who can't afford the upfront costs, to be able to take advantage of it. And so this would deploy funding out of that fund, which has been sitting stagnant, which has had no action by these other agencies.

"On top of that, Mr. Speaker, built into this bill are cost controls to ensure that the money is spent wisely, but most of all, that those who need

the money most get to take advantage of this, so that there are income thresholds built into the bill so that if you are truly in need of assistance, you can qualify for 100% of this credit. If you are less in need and you are wealthier, you don't get that.

"So it's something that I think deserves to move ahead at this time, targeting exactly the people who we originally intended with this. Thank you very much."

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

"Strong support, Mr. Speaker. Mr. Speaker, for the last ten years the mantra of my office has been solar on every roof. For the last two years it's been solar on every roof and batteries under every house. Mr. Speaker, this bill brings us closer to that reality. And if we are wondering about the value of tax credits, without tax credits we would never have solar on whatever roof, leading the nation and almost leading the world in terms of renewable energy.

"Those who confuse tax credits and social policy need to go back to the late Senator Sparky Matsunaga. Sparky said some of the greatest things have happened through tax incentives. For example, Mr. Speaker, why is the American dream buying house and why do we have such a deduction as interest. It's to encourage people to buy houses.

"Why, when we give to our churches, synagogues and mosques, do we have a deduction? To encourage people to be generous. So, Mr. Speaker, we have to encourage people to be generous, to get batteries to capture the energy, to use what we have as the God-given best place in the world for independence of energy. For those reasons, Mr. Speaker, this is a bill of the future, and it's a good one. Thank you."

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

"Ruling on a potential conflict. I will be one of those people who will be taking advantage of this bill. I'm going to buy batteries. In fact, I have a battery already in order," and the Chair ruled, "no conflict."

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

"I stand in strong support. Not only will this incentivize people to get off the grid, it will help people in Puna and other rural areas for which HELCO does not reach, where batteries are expensive, where we have to provide our own energy resources. And for those reasons, I stand in strong support."

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

"In support. I'm in support because I support subsidizing batteries for people who need it. And I just want to clarify, no matter how you look at it, in the State we have a balanced budget amendment, which means if you have a tax credit somewhere, it's going to have to come from somewhere else, either by cutting or raising taxes. Therefore, any tax credit is exactly the same as a subsidy. If you support this bill, you support a subsidy. I do. Thank you."

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

"On this bill, I rise in support. As the Representative from Puna said, there are many areas on the Big Island and elsewhere in the State, particularly on Hawaiian home lands, where it's very difficult to provide the infrastructure to build the homes. This would go a long way towards providing some of that infrastructure so that homes on remote parcels of Hawaiian home lands could be built and put some of the Hawaiian people back on the land where they belong. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with reservations. I'd like to adopt the words of the Vice Chair of Education," and the Chair "so ordered." (By reference only.)

Representative Keohokalole continued, stating:

"I stand in support, because I understand that in places like the Big Island and rural communities, disconnection from the grid is a reality. And that programs like this can help those folks obtain energy independence in an affordable manner.

"I have reservations with this measure, because I believe if we're going to be shifting direction on the GEMS program to make it a more viable policy initiative, then we should be using it on the public schools, from a social justice stand point. I think we can spread that money more evenly among the population of our residents who really need it. Thank you."

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

"Mr. Speaker, with reservations. I too agree that the general idea of energy storage is great and should be supported wholeheartedly. I am a little concerned about and have reservations with who gets this rebate. Oftentimes, we give tax rebates and credits to those who already have, shall we say, more financially than the average person. Perhaps some sort of lottery system could be used to give out the credits so that the person first in line doesn't necessarily guarantee himself the tax rebate. Thank you."

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

"Thank you, Mr. Speaker. In support with reservations. I'd like to adopt the words of the speakers from Kahaluu and also from Nuuanu/Liliha," and the Chair "so ordered." (By reference only.)

Representative Belatti continued, stating:

"One of my concerns with this is for many of those who cannot take advantage of these solar tax credits, whether it's to get panels on their roofs, or now at this point to get batteries under their homes, *i.e.* many of those who live in condominiums, we will not be able to take advantage of this. And this will have the unintended consequence of leaving some stranded on old infrastructure, while others are energy independent, raising the cost of electricity for many thousands of our residents in the urban core.

"So for those reasons, I express my reservations and I hope as we move forward we will be able to find that right balance. Thank you, Mr. Speaker."

Representative Lee rose to respond, stating:

"Thank you, I rise only to just make one correction. If you actually read the language in the bill, specifically, I can't remember which page, but there is a provision in this which requires of the money being spent for this program, you have a specific set-aside to ensure that you have large-scale community renewable projects which are specifically aimed at condo owners in urban areas, and that can only be used for that purpose. And this is to make sure that those who are absolutely unable, under current definitions, unable to take advantage of PV because they have no roof, are able to. And that's a specific set-aside that was made specifically to address the concern about all those folks.

"And so this is something that I think is important for a totally different reason, because it is as of now the only measure moving forward that has that sort of appropriation or that sort of focus which would expand beyond the status quo to allow all those folks in urban areas to take advantage. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2738, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed

Third Reading by a vote of 49 ayes to 1 no, with Representatives Belatti, Jordan, Keohokalole, Kobayashi and Tupola voting aye with reservations, with Representative Ohno voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1703-16) recommending that S.B. No. 2535, SD 2, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2535, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In opposition. I understand why we have blank bills. They serve a very important purpose. But I cannot in good conscience support a blank bill on final reading before it goes into conference. I think that flies in the face of all transparency, which I try to strive for. So thank you."

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

"Thank you, Mr. Speaker. In opposition. I rise in opposition to this bill because, as previously mentioned, the bill has no contents. Geothermal is a significant issue. It's a significant issue for the residents of Hawaii Island, a significant issue in the discussions regarding affordable energy and our renewable energy goals, and it's a significant issue in the context of how it involves our environment in our host culture.

"Significant issues that come before this body deserve the transparency that comes with a public discussion on the merits of the issue. I don't think we can achieve that in conference, Mr. Speaker. And for those reasons, I oppose this bill."

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

"Mr. Speaker, strong reservations. I say strong reservations because I hope somebody will stand up and enlighten us as to why there should be a blank check. Mr. Speaker, in the street language of business or of household budgeting around the kitchen table, you never write a blank check. What we're doing here is we're writing a blank check to the Senate. Why are we doing that? There's got to be some logic. Is this a sneak attack on something? Is it something about the geothermal on the Big Island, they got something waiting in the wings to do it?

"We should be very transparent, we've never passed a bill like this in the years that I've been here, so why are we doing it? Mr. Speaker, until I find out why, I have reservations. But we should go no, unless the reasons are for good reasons. Thank you."

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

"I stand surprisingly in strong support of this bill. As being in the only district in the entire state with a geothermal plant, by passing this bill as it is, HD 1, a blank bill, we leave intact county regulations, county oversights, where my constituents will be able to have a voice in geothermal explorations. The original bill removed that. And as such, I stand in strong support of leaving it the way it is, so that my constituents who have a difficult time coming to the State Capitol to testify will be able to do so in the county where the geothermal explorations are in. Thank you."

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

"In strong support and I like the House position on this. Thank you."

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

"Thank you, Mr. Speaker. In support with reservations, please. First of all, may I please incorporate the words of the Vice Chairs of Transportation and Labor into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Har continued, stating:

"Thank you, Mr. Speaker. Very briefly, when this bill came over from the Senate, and I do want to thank the introducer of the bill, because when the bill came over from the Senate, it clearly talks about the development and regulation of geothermal energy development and production being a matter of statewide concern. And with all due respect to the Vice Chair of Judiciary, I think that regulations concerning the development of geothermal energy exploration and geothermal mining operations should in fact be uniform throughout the State.

"With that said, as previous speakers have mentioned, this bill in fact essentially is a blank bill, it is a short form bill and it does not really clarify what exactly, and while the vice chair has contended that this bill, as a blank bill, preserves the county's position, and I don't dispute that, I just am not clear what exactly we are voting on.

"So for those reasons, I do support the Senate Draft 2 that came over. I think that geothermal is an important piece of addressing our energy issues that we have in this state, and therefore for these reasons I stand with reservations. Thank you."

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

"Thank you, Mr. Speaker. In opposition, but oddly for similar reasons as the Representative from Puna. The contents of this bill, before it was gutted and became a short form bill, undermined the county's power to weigh in on these geothermal projects. There are a lot of concerns with that. And just out of the concern that that language could resurface, that is where my opposition comes from."

Representative LoPresti rose to respond, stating:

"Second time, still in opposition. Thank you, Mr. Speaker. I just wanted to clarify that my opposition has nothing whatsoever to do with my stance on geothermal, which I support in principal, but in practice, obviously, there's some concerns. So I just wanted to clarify, it has nothing to do with my stance on geothermal. This is rather the blankness of the bill. Thank you."

Representative Tokioka 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 Tokioka's written remarks are as follows:

"Mr. Speaker, I understand the intent of this bill. However, without knowing the entire context of this bill I cannot in good conscience make a 'yes' vote."

Representative Ward rose to respond, stating:

"I'm going to move from strong reservations to just reservations, given what the Representative from Puna has just said. That there is a value, but the value it sounds to me should be killing the bill rather than keeping it alive so the Senate can stick something in that we don't like. Therefore, Mr. Speaker, this is a bit a half of a loaf of something that's good, so with that, I still have reservations, without being serious. Thank you."

Representative Pouha rose in support of the measure with reservations and asked that the remarks of Representatives LoPresti and Keohokalole be entered into the Journal as his own, 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 S.B. No. 2535, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Har, Pouha, Tokioka and Ward voting aye with reservations, with Representatives Ing, Keohokalole, LoPresti, Lowen, McDermott and Tupola voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1704-16) recommending that S.B. No. 3034, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3034, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"I stand surprisingly in support of this bill. I am in favor of victims' rights. I myself was a victim of burglaries. I have represented the victim of one of the most heinous crimes in Puna, that of Tadeo v. Davis, where a young child was stalked, raped and killed.

"What I would like would be to amend this bill. Instead of a constitutional right, let us actually give victims some rights under HRS 801D-4. Right now, HRS 801D-4 puts it into the county, and that's the reason why we have a number of very unsatisfied victims. County of Hawaii, where I am from, has very strong victims' rights advocates. I was informed every step of the way as a victim, my clients and myself was informed when Mark Davis escaped from Kaneohe and eventually died in Kaneohe. So we were informed every step of the way.

"I understand here in Honolulu, because of various administrations, that the victims' advocacy bills have died. HRS 801D-4, we should enforce that, we should require counties to have this. If we put it in the State Constitution, these are rights interpreted by the Judiciary and by all judges to be rights against the State. Not against the county.

"And what I wanted to point out is, as soon as it goes into the Constitution, it is going to be very difficult to amend it. One example of this is, in 1998 there was the same-sex marriage amendment. It took 15 years for us to fix it. Versus our DUI laws, the DUI laws, every year we fix it to make it better. We first started off with our DUI laws, making every violation a misdemeanor. Then the prosecutors found out that the defendants ended up asking for jury trials, they ended up gaming the system, so that we actually decrease the number of convictions. So the next year or the next succeeding years, we actually brought down DUI penalties to petty misdemeanors instead of misdemeanors, and increased and created administrative penalties.

"If we put this in the Constitution, we won't have that flexibility. And again, just last week with the DUI laws, we actually repealed the petty misdemeanor offense of refusing to consent to a breathalyzer, because the convictions of those DUI offenders were in jeopardy.

"If we put this in the Constitution, these rights of Constitution, we won't have that flexibility. However, if we keep it and we enforce 801D-4, make the counties accountable and actually fund maybe a statewide victims' assistance group, we can actually enforce victims' rights. And as such, I stand in support of victims' rights."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3034, SD 1, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF CONSTITUTION OF THE STATE OF HAWAII TO ESTABLISH RIGHTS FOR VICTIMS OF CRIMES," passed Third Reading by a vote of 50 ayes, with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1705-16) recommending that S.B. No. 2076, SD 2, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2076, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations about the fee. I'd like the words of the CPC Chair from a previous floor session to be inserted as the reasons why we possibly need it. Thank you," 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 S.B. No. 2076, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Tupola voting aye with reservations, with Representative McDermott voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1706-16) recommending that S.B. No. 2083, SD 1, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2083, SD 1, HD 1 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I know this pains me and probably others here. With reservations, Mr. Speaker. At some point in time, when do we draw the line of privacy? I understand what this measure means. I understand we should protect individuals under 18 years of age. But when do we start looking at adults in charge of those youth and being accountable for what they are doing, instead of us passing measures to get into that realm. So I will stand with reservations on this measure for right now and see what happens at the beginning of May. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With reservations. I would like the words of the previous speaker entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative McKelvey continued, stating:

"Also, I guess what concerns me is the subjectivity of this bill as far as enforcement goes. I know it's an active use, but what is active use? That's up to the officer enforcing it. Is it an e-cig that's on all the time in the passenger seat? That could be active use. Is it a pack of cigarettes maybe under the seat, inadvertently dropped there? That could be active use or not. We have the same situations now emerging with the cell phone bill we passed several years ago, where subjectivity is being applied, even though it's a secondary offense. So I hope that the conference committee looks at these issues, because I could see it easily having the same situations, whereby people are being busted for a secondary offense, which has been the subjective view of the officer, not any concrete standard of law. Thank you."

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

"Mr. Speaker, reservations. My fear is I think a couple of things. One is, incremental nanny state-ism. Mr. Speaker, this says that if you're in a car and you got somebody under 16, you can't smoke or you get pulled over by the smoking police. As if our police didn't have enough work to do already.

"Second thing is, any parent should know that they shouldn't be smoking in front of their kid. So why don't we tell parents other things that we

should be doing as a nanny state, send your kids to school, don't beat your kids. Where does the nanny state stop, Mr. Speaker? I'm not going to use the silly metaphor of slippery slope, but this is where we have to decide as a governing body, where we have to put responsibility into the citizens versus responsibility under ourselves.

"In a way, this is the easiest kind of thing to do, we just make it a law and shoot it through. But I think for the sake of the police, just like teachers, teachers are so abject to having, don't give me another thing to do. Giving the police another thing to do, which likely is probably not even enforceable, you're going to catch it when the smoke comes out. What about when you're following behind a car where you see it looks like the tailpipe, the engine is blowing up because it's an e-cigarette, these huge puffs of smoke. You pull them over, but you don't see any smoke when you've got the person there. Then you check the ID and what the person looks like, they're 18, but you've got to check their ID.

"Are we going to keep our police tied down to doing things like that? So for the sake of the police and for the sake of the nanny state, Mr. Speaker, this is a policy I think we have to seriously project into the future to know what we're doing and do it well. Because I think we're just slipping into oblivion by being the nanny state. Thank you."

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

"In support. It's hard to know where to begin. Approximately 440,000 people every year die from cigarette smoking in the United States, 40,000 of those are from secondhand smoke. That's more people than die in car crashes, if I remember correctly. With car crashes, we do require that you strap your minor into the car and we have very strict rules about how you do it, because we don't want them to die from that.

"Well, we should not want them to die from cigarette smoke either. Human tendency is to exaggerate exotic risks and to underestimate prosaic risks. This is a very prosaic risk, we see it all the time, but it doesn't mean that tobacco smoke is not a Group 1 carcinogen. The Centers for Disease Control said there's no known dosage of secondhand smoke that's safe. The physiological effects are immediate. And it's just completely unfair for someone who is a minor, who has no control over the adult, who is in the car with them. They may have to ride with them in the car to get to school or to go to soccer practice or whatever. And to just say, hey, you know, too bad, we're going to expose you to carcinogens.

"I agree with a previous speaker, that if adults would act like adults, we wouldn't have to do this kind of thing. But clearly, they're not. And with regard to the question about enforcement, if you read the penal code, there are so many ambiguities in the criminal laws that we pass, that's what judges and juries are for. They figure out the fact questions, whether this was actually a violation or not. Some of the cases are going to be really easy. You're going to pull them over, the guy's going to be smoking a cigarette and there's going to be a five-year-old sitting in the seat next to him. Hey that's easy. It's a harder case if there's no cigarette actually burning in the guy's mouth, but the car is full of smoke. Well, it probably wasn't the five-year-old smoking. So it just depends on the situation. Some cases will be easy to make, others won't and probably prosecutors won't prosecute in those situations.

"But again, just bottom line is, cigarette smoke is very, very risky, exposure to it is very risky. Secondhand smoke kills tens of thousands of people every year. *Mahalo*."

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

"Strong support. I ask that the Judiciary Chair's words be entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Opposition, Mr. Speaker. Mr. Speaker, if you're in the car rolling down the highway at 55 miles an hour and you're smoking. By the way, I don't smoke, I don't like cigarettes, I think it's nasty, smoker's breath is like an

ashtray, it's not cool, I don't support it, it does kill, it hurts people. Why don't we make it illegal? Or I should reiterate my call to shoot all smokers.

"Short of that, what are we doing here? You're driving down the road at 55 miles an hour, your windows are open, you're having a cigarette. It's your car. You do what you want. That child is going to be exposed to much more smoke and carcinogenic effects if they are living with their parents in an air-conditioned condominium. But we're not banning that. I suppose that is the next step.

"Where does the nanny state end and where does personal responsibility and freedom begin? This is America, after all. If cigarettes are that bad, outlaw them. Ban them. Just have the courage to do it. But you're nickel and diming them. Where they can smoke? They can't smoke around the building, they have to go across the street in some cubby hole somewhere. Now they can't smoke in their car. Next it will be their house.

"We're actually going to have police, 911, I saw a driver, he has an unfiltered Camel, he's on H-1 and he's going 55 miles an hour. Dispatch, unfiltered Camel, please alert and send two cars, it could be a difficult situation. I mean, this is ridiculous. It won't be enforced, and when we pass bills that aren't enforceable or won't be enforced, we undermine the whole legal system and our statutory laws.

"I think from Kapolei to Waianae, you have seven officers who cover that beat. You've got all these challenges, drug use, domestic violence, DUIs, real crimes. And now you're going to task these guys, if you see the unfiltered Camel, pull them over. I don't care if it's rush hour, pull them over, he's smoking a cigarette and he's got that child. I mean, it is just laughably ridiculous. And what if the windows are open? He's getting very little smoke.

"And secondly, the Judiciary Chair mentioned, there's no amount of secondhand smoke that is deemed safe. Well what amount is deemed unsafe? Surely there is an amount of that. But this is just a political statement, political correctness, overreach, nanny state, leftism, taking away the rights of individuals. This isn't America, and I vote no. Thank you."

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

"Mr. Speaker, in support. The question of enforcement of smoking laws have come up often. I used to be a legislative representative of the American Lung Association, and addressed this topic often. The stance has been that smoking laws are self-enforcing, for the most part. The fact that there is a law on a certain subject, be it smoking indoors or traffic laws, speeding laws, prevents many people from breaking those laws, just because of respect for law. It is not expected that police would specifically target enforcement of a, shall we say, minor offense such as that. But we think that most people will respect the law and abide by them, if we pass them. Thank you."

Representative Rhoads rose to respond, stating:

"Still in support. I just want to say that the libertarian arguments for not restricting smoking also cuts both ways, so I guess we should legalize *pakalolo* and all other drugs as well. *Mahalo*."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2083, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Jordan, McKelvey and Ward voting aye with reservations, with Representatives McDermott and Tupola voting no, and with Representative Thielen being excused.

At 11:21 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 3071, SD 1, HD 2  
S.B. No. 2738, SD 2, HD 2  
S.B. No. 2535, SD 2, HD 1

S.B. No. 3034, SD 1, HD 2  
S.B. No. 2076, SD 2, HD 1  
S.B. No. 2083, SD 1, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1707-16) recommending that S.B. No. 2723, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2723, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I have reservations on this measure. So, in support with reservations. I hope that the things can be worked out in the future. The bottom line is, if you don't want to get penalized or fined, don't break the law, right? I mean, that's clear. So for that reason, I support it. However, my concerns are at this point, the potential for multiple violations inadvertently by small companies that could very well put them out of business.

"I don't mind going after the bad actors who habitually game the system and hurt the working men and women of this community. That's not a good thing, obviously. But what I am concerned about is if someone does something inadvertent and they mischaracterize an employee and then the employee is also, perhaps works overtime or a holiday, then that's another violation on top of it. These violations can mount up quite substantially, and particularly if it's not the first time. And if you're not an expert in record keeping, perhaps you just made an honest mistake, this could be very, very detrimental, particularly to a small company.

"So for those reasons, I look forward to seeing what this final thing will look like, but I have reservations. And I asked the two parties if they could get together in the hearing. I said, can't you guys get together, find a happy medium? Because that's what we do down here most of the time, try and find a solution. And that was my encouragement to them. So it puts us all in a tough spot, I think, because we want to support business but we don't want the bad actors, so how do we find that medium? So I look forward to seeing this in its final form. Thank you, sir."

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

"Thank you, Mr. Speaker. A no vote. I know that the latest version of it has blanked out the fines, but I still have concerns of what those blanks are going to be filled in with. It moved from \$25 for the first violation up to \$1,000, and now there are two tiers after that, the second violation is 50% back wages and \$5,000, and then the third violation is 50% with \$10,000.

"I think the increase in wages, when we asked in the labor hearing, were inconclusive as to how we got to that increase in fines. How do we calculate from \$25 we're going to go up to \$1,000?

"So again, I realize those fines are blanked out in this recent version and hope in the conference committee that there can be something that is actually calculated upon what is fair and not just a random amount or a random increase from \$25 to \$1,000. Thank you."

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

"Mr. Speaker, reservations until the fines are rational. Thank you."

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

"May I request a ruling on a potential conflict? At my law firm, I represent contracts and subs. Thank you," and the Chair ruled, "no conflict."

Representative Cachola 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 S.B. No. 2723, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Cachola, McDermott and Ward voting aye with reservations, with Representatives Kong and Tupola voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1708-16) recommending that S.B. No. 2398, SD 2, HD 2 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2398, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. A no vote, quick explanation. I've been waiting to cast this vote until I was able to meet with the graduate student president as well as VP Dickson at UH to kind of discuss what it is that the graduate students need, how many of those needs can we fill by actually talking and finalizing a contract that might even be ready to roll out this fall for the graduate student assistants.

"There are six things that they're fighting for. One, is a year contract. So prior to them bringing up this discussion, it wasn't even sure whether or not they'd have assistantship for more than a semester, which is hard for people to plan ahead. Second, notification of dates, as to whether or not you're going to get your graduate assistantship back the next semester. And some of those notifications came so late that people would miss out on financial aid.

"Third, a clear grievance process, whereby they can work with the university if they have problems with their graduate assistantship and their professor. Fourth, a way to report on sick days, that wasn't clear. Fifth, discussions as to how you can get up a step as a graduate assistant. As of right now, there is no clear way if you are getting a new degree you may or may not escalate a step. It's not totally sure. And the last one is actually the steps, increases haven't been changed for the past 12 years I believe.

"And so after sitting down with both of them, I think speaking through a lot of these, at least four to five of these things can be resolved by them actually writing down a contract between the university administration and the graduate student department, and making this part of their administrative policy. And that's what VP Dickson is working on.

"And I look forward to supporting them in this, and I actually told them that I would attend their graduate student assistance training/orientation this coming fall, to make sure that all of this happened. And even meet with the Board of Regents about increasing this. Although I don't feel like collective bargaining is the direction that they should go, I encourage them to pursue all paths.

"And I acknowledge Jonathan Dial, who is the president, for his courageousness, and for all the graduate assistants that have been fighting to get their voices heard. And I wanted to commend them for what they're doing, and let them know that I'll be paralleling and augmenting their efforts by trying to work with the university to resolve these concerns. Thank you."

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

"Strong support. I wasn't planning on speaking on this, but you cannot even engage in bargaining with contracts if you don't have a good faith group to bargain with. And in my opinion, for over a decade the university has not been a good faith partner in any kind of negotiations with graduate students.

"They've only begun to get any traction whatsoever because the Legislature has begun to take seriously the last few years, allowing them to collectively bargain. And I think its past time that we pass this and that hopefully the Governor doesn't veto it again, and I hope if he does that we override that, sir. Thank you."

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

"Mr. Speaker, with reservations. As the previous speaker noted, it is true that unionization fills the gap when management doesn't do their job. That's standard lesson in any MBA course. And evidently, the UH is not doing their job. Now, of course that doesn't mean that we should jump up and down and say, let's unionize everyone. Because my sense is, those of us who have office managers who have tried to get unionization, if this bill goes through, that's obviously going to be the next one.

"So it's an incremental thing, but it's where if we're not treating our officer managers correct, they're going to unionize. And that's the same message that I think we're sending to the UH. You don't treat the graduate students, they're going to unionize. But the bill for unionization of our office managers has come up over the last five, six, seven, eight years and it hasn't passed. But with this one, possibly next year, 2017 session, that may be part of the floor debate. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2398, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ward voting aye with reservations, with Representative Tupola voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1709-16) recommending that S.B. No. 2077, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2077, SD 1, HD 2 pass 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. 2077, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION BENEFITS," passed Third Reading by a vote of 50 ayes, with Representative Jordan voting aye with reservations, and with Representative Thielen being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1710-16) recommending that S.B. No. 2816, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2816, SD 1, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I actually was going to vote no on this bill, but I'm changing it to with reservations and I'd like to explain why. First of all, could I enter the editorial from today's Star Advertiser into the record as if it were my own, on this subject?

"And I think for me, both sides of the argument come up in my district. The concerns for the Native Hawaiian community in particular, for access, cultural gathering and also the ability to have their First Amendment rights. There was a group called Aloha Aina led by one Archie Kalepa, a friend and waterman in my district, to protest the moves of an offshore developer to take away their *kuleana* lands.

"They were marching along the Lahaina bypass in peaceful protest of this situation, and under this law they could have been charged with criminal trespass. Not to mention that, because there is no underpass, they do have to cross the bypass to access the lands on the other side that are also *kuleana* gathering lands.

"So these things have to be addressed by the conference committee and I hope that they do. But at the same, just north at Lipoa Point, state lands where we have criminal situations which occur after dark. Assaults, robberies, all sorts of things that this law could be used to have the DOCARE officers, the officers basically stop this activity and not simply depend on simple trespass.

"So I go with reservations, because I see the need with the Lipoa Point example, but I hope the conference committee looks at the concerns that have been raised by the Aloha Aina example, which I bring to you today. Thank you."

Representative McKelvey submitted the following *Honolulu Star-Advertiser* editorial:

"Give state ability to move homeless

April 12, 2016

Much like the city ordinances that allow police to roust the homeless from public sidewalks, Gov. David Ige's administration has proposed legislation that would criminalize trespassing on all state lands. If passed, the measure could become a useful addition to the government's toolbox addressing homelessness — albeit far from a solution.

Senate Bill 2816, which is up for a House floor vote, would give the state a tool that parallels Honolulu's law banning sitting and lying down on sidewalks, which has helped reduce the number of homeless visible in Waikiki, downtown and other areas.

The city used its ordinances to dismantle encampments in Kakaako last fall, but many of those who were displaced simply moved to nearby state land, including Kakaako Waterfront Park and Kewalo Basin. The state has had little success in reducing the homeless population in those areas, and more clarity in the criminal-trespass laws could bolster its efforts.

Currently, criminal-trespass laws don't apply to improved state lands — land that's built or improved in some way — and it's unclear whether Hawaii's trespass laws apply to state land under freeways or in boat harbors. Those who drive past the airport viaduct or visit the Waianae Boat Harbor know that those areas have become magnets for hundreds of unsheltered individuals and families, and that has increased problems of public access and safety.

Although opponents of the legislation say it needlessly criminalizes homelessness, the state contends it is not a measure that targets only the homeless. Under SB 2816, a person commits criminal trespass, a petty misdemeanor, on state lands if he or she enters or remains unlawfully when the land is closed to public use and its closure hours are posted on a sign or signs, or if the land is not open to the public. The bill broadly defines state land as "all land owned by the State through any of its departments or agencies" but also specifies land "on or under any highway."

As it is, chronic encampments at the Nimitz viaduct and under an H-1 freeway overpass across Harding Avenue necessitate cleanups twice yearly; each sweep costs \$250,000 to \$300,000.

If lawmakers pass SB 2816, they cannot ignore that future enforcement could further clog the judicial system with "nuisance" cases. It would behoove legislators also to pass a separate bill to create and fund a mobile court to handle the overload of cases, traveling to community centers and shelters. Such a pilot project would place the court system in places more accessible to the unsheltered population, and focus on manageable solutions such as community service.

There is no question it will take a multi-pronged approach to reduce the highest per capita rate of homeless in the nation, which is in excess of 7,000. That's why it's so perplexing that many homeless initiatives proposed this session have gotten a cold reception from state lawmakers.

Among them: the state's effort to convert a Kakaako maintenance shed into a unique homeless shelter for families, which is already running

three months behind schedule. Ige had requested spending \$900,000 in annual operating costs for the shelter, but a House bill provides no money, and a Senate version includes only \$450,000, half of the requested amount.

Homelessness and emergency shelters are just the front end of a housing continuum that ends with permanent, affordable homes. As it pertains to this end, Ige has declared the homeless issue an emergency, but any sense of urgency seems lacking at the state Capitol.

State legislators need to work with the Ige administration to get people off the streets — and that requires giving the state the authority to clear trespassers from state lands as well as adequately funding shelters and the pilot mobile court."

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

"With reservations, Mr. Speaker. I too am divided on this particular issue. I see it as a plus and I see it as a minus. But we all understand what this is really about. This is about removing individuals that could be potentially squatting on state lands. Some of my initial concerns were traditional and cultural practices.

"But since under the Constitution, most of those are geared towards open spaces, not necessarily spaces that have so-called improvements on it. I do have some concerns with what is considered improvements in this particular measure. I have concerns of how our state wishes to deal with individuals that are potentially squatters or homeless, whatever term you wish to use.

"I don't think we should be looking at what the City and County of Honolulu has taken their approach with. I think we should be dealing with compassionate disruption, and not putting things in statue, although I do understand our public ways such as our harbors, our highways, our byways, should be safe for all, including those individuals that currently reside underneath there. Many of us who go down Dillingham towards airport can clearly understand that in the middle of the dark, when individuals dart across those three or four lanes. Or when somebody drives down Farrington Highway and sees somebody dashing across the highway in the middle of the evening to get to a city and county park, which now chooses to close them with signage, which this measure addresses.

"This is a tough issue, but I'm not so sure this is the direction we should be going. And I'm not so sure if I want to see it come out of conference either. So for right now, I have strong reservations on this measure as we move forward, Mr. Speaker."

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

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

"With reservations, Mr. Speaker, and just a comment in regards to trespassing. You're looking at state lands, and for those, whether you want to consider people that are leasing those state lands privately as farmers and ranchers, we've struggled with signage, we've struggled with people that have trespassed, and yet I understand the *kuleana* rights and gathering of the land.

"We have always offered permission when asking and while we are in those areas working, whether it be gathering for hunting purposes and workers within those areas of dodging bullets, I fear for the safety of these people that have put liability insurance on their lands. Though in some cases I understand that there is good and bad to this bill, but for the safety and the onus of liability issues, I have strong reservations for this bill. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I rise in opposition. I haven't had the opportunity to take a vote on this bill until



now, and I have concerns regarding the breadth of this bill and whether it could be better tailored to specifically serve the purpose it's suited.

"But aside from that, I think this bill will have a negative impact on my district, where there are numerous camps on state lands, homeless encampments that have not been properly accounted for in the point in time count, are not currently receiving the breadth of homeless services that other areas of the islands, for good reason, are receiving attention at this point.

"If we've seen the experience in town and in other areas where they do sweeps of hidden encampments, where they haven't devoted sufficient resources to help get those individuals off the streets permanently, and without those resources in my district I think we are just going to start, we could potentially just be raiding encampments in our community and sweeping those folks out onto the city sidewalks where they can be chased around Kaneohe like they are in town, into our parks, our shopping centers, our sidewalks. I don't think that solves the problem and I don't think that moves us in the right direction. And for those reasons, I oppose this bill. Thank you."

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

"In opposition. I originally voted with reservations, because I do understand DOT's concerns about wanting to be able to arrest potential copper thieves but not catching them in the act, DLNR's concerns about people cutting down hundreds of miles of fencing in parks. And I also do appreciate the Judiciary Chair's attempt to alleviate the homelessness that is concerned by putting it in the committee report.

"However, I strongly believe, like the Representative in Kaneohe has stated, that this is disproportionately another attempt to criminalize the status of homelessness, and unless we are able to address that, I cannot stand in support of this. Thank you."

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

"Thank you, Mr. Speaker. In support. This is obviously an issue that affects my district pretty severely in Chinatown, Palama, Iwilei. If you do read the committee report, we go into the judicial background on this. There is a ninth circuit case that basically says you can't prosecute somebody for being homeless if that's the only reason, if they're doing something that they have to do as a human being and there is no other place for them to do it.

"So the attorney general, his assurances to me were that they wouldn't prosecute people. If this was where they're living and there was no room in a homeless shelter available that night, that people wouldn't be prosecuted for that. Obviously the county prosecutors are involved in this as well and we urge them in the report to follow the ninth circuit case, the Jones case, which as I mentioned before basically says you can't prosecute somebody for doing something that they have to do to be a human.

"Having said that, if there is a place for the person to go, then there is also a fairness issue just in terms of other people can't trespass onto that property and not expect to have some consequences, so why should someone who does have somewhere else to go be able to do that.

"The other thing that I thought was important with this bill was that there are antitrespassing laws already, but basically you're just cited and in fact you don't have to vacate the property. You have to go to court and fight the citation and you get a fine. But if you are a copper thief, you don't have to get off the median where you're not supposed to be, you just have to go to court and fight the citation. That doesn't make any sense at all. If you have a place to go and the possibility is high that you're there for no good reason and you're trespassing where it's already illegal for you to be, then why shouldn't there be a penalty that at least can get you off the property for that, that you can already be cited for.

"So I realize it's a very difficult balancing act. Some people view the homeless as if they would be nice people if it just weren't for the circumstance of their situation. Well, that's true in some cases, but there

are also homeless people who are committing crimes in addition to doing things like trespassing, which don't immediately affect anybody. So this committee report also mentions the fact that you can't be arrested for just trespassing, but you could be arrested if you're trespassing and you're also vandalizing or stealing. So again, difficult balance, I'm aware of the concerns and I'll certainly keep them in mind during the conference committee. Thank you."

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

"In support. I again ask that the words of the Judiciary Chair be entered into the Journal as if they were my own, and I also ask that the Star Advertiser's editorial op-ed be entered into the Journal as if it were my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. I request to have the comments from the Representative from Kaneohe and Puna inserted as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Tupola continued, stating:

"My concern is with the scope of what state lands are. I think it's nice that the prosecutors said they wouldn't prosecute if homeless people didn't have a place to go, but that's still going to be of concern. Because by putting it into statute, that still means that they will be charged as criminal trespassing.

"And so I know this is going to affect many people in my district, and as brought up in prior speeches, there is possibly for a lot of these people, nowhere to go. And so I feel like this also touches on ceded land, it also touches on state land, UH land, a lot of other lands, possibly back into the Mauna Kea argument. I don't know what exactly it would do, if there isn't possibly going to be prosecution for but it would be part of the law. I'm almost positive that by putting it into law, there will be definitely areas and instances where people will be prosecuted for criminal trespassing, and it will go against other constitutional rights that they have.

"For those reasons, I feel like we need to probably study the scope of what we are trying to do. I realize what it's trying to address, but possibly if there is a way for us to do that without having to call all of these lands, which we don't even know the scope of how many lands that will be, as criminal trespassing for various reasons that could be addressed through other methods. Thank you."

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

"In opposition. There's a lot of trespassing laws already on the books. I feel that this bill adds laws that are unnecessarily cumulative for those who, quote unquote, 'trespass'. There's a law for sleeping or camping after closure of any state park, it's HRS 708-813, 814 and 815. If you remain unlawfully on any highway, that's in statute as well, HRS 711-1105.

"This bill seems to target homeless individuals and families. But we know through history that criminalizing the poor does nothing to alleviate homelessness. I also have concerns that this may infringe on individuals rights to peaceful protest. As you know, if there is development you don't like or something happening, to organize and make a stand that's otherwise not really harming anybody, this will make those types of actionists criminals.

"In the interest of constitutional rights of protest, not being too cumulative in terms of prosecuting the poor and the homeless, I respectfully oppose this bill. And I just wanted to add that, if we really wanted to tackle homelessness in good faith, it really is our responsibility to not keep making these Band-Aid fixes or moving members of our community to different areas, but rather to address the problem holistically. Which I know we're trying to do in earnest, but maybe one way we can step up our game is to do the opposite of this bill and open all state parks after hours for anyone who needs to sleep in there. And I think

that would really get the conversation going, because of course that would be very unpopular, but it's our duty."

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

"Standing in support. Members, this is an admin bill, so Water & Land didn't draft this one. So, sorry for the controversy. Members, I know there's a lot of discussion regarding the issue of homelessness, and that's why the committee initially had some reservations about even hearing this measure.

"When I met with the attorney general as well as two directors, and the motive behind the administration's bill was not to target the homeless. The issue for them was to try to address health and safety concerns, specifically as mentioned regarding people staying underneath the overpasses and on the side of the roads.

"Also, Mr. Speaker, there's been ongoing problems with the health and safety concerns of homeless both at the airports and next to harbors in which, per the attorney general, they are unable to address. My understanding per the attorney general as well is that the administration has a rule regarding the evacuation of homeless, in which they have a 24-hour notice rule.

"As well as this bill tries to address it by putting up signs to address the open areas. Mr. Speaker, the State of Hawaii has a lot of open land that's unfenced and unsecured. And what this bill tries to do is address it comprehensively to protect those open spaces. Mr. Speaker, there's been a lot of ongoing problems as mentioned from the Representative from Maui regarding illegal behavior, as well as the collection of very important koa trees, sandalwood trees, and poaching of other animals and plants from state property. And that has been an ongoing challenge by the State to make sure that these type of illegal behaviors are punished to stop.

"Mr. Speaker, I know the attorney general mentioned the issue of copper thieves and others. However, the intent, per the administration, is that they're trying to address the health and safety needs, not only on open parks, but state lands that actually can be proved to be dangerous, even for hikers and others. So with that, Mr. Speaker, knowing the intent of the administration, I stand in support."

Representative Ward 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 S.B. No. 2816, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives DeCoite, Jordan, McKelvey, Pouha and Ward voting aye with reservations, with Representatives Fukumoto Chang, Ing, Keohokalole, Lowen, Matsumoto, San Buenaventura and Tupola voting no, and with Representative Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1711-16) recommending that S.B. No. 2987, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2987, SD 2, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations. Mr. Speaker, to my knowledge, every single school district in this country receives federal, state and county dollars to fund their operations, with the exception of one. I hope that the counties who ask the State for more and more money realize that in this state, they're uniquely given a pass to fund our education system. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, with reservations. As you all know, I used to serve in the City and County of Honolulu as a councilmember. I think this bill changed the formula and the distribution of the TAT. Is that what the bill calls for? And to a point, all the three counties got a raise, except for the City and County of Honolulu. I think City and County of Honolulu, they reduced it from 40% to 30%. That's a lot of money, surely, for the City and County of Honolulu. As you all know, the City and County of Honolulu really was caught off guard. This is not for the best interest of the City and County of Honolulu for the following reasons.

"As you all know, the cost of rail is going up, up and up. To a point that by reducing the amount of TAT going to them, it will be more or less a lot more shortage in the cost of rail in some other ways.

"Second, under Act 268 on the prefunding of OPEB, Other Post-Employment Benefits, if the city and county cannot pay their share of the prefunding, under the law it says it will be taken out of their portion of the TAT given to the counties. Ultimately, this will not be good for the taxpayers, because the city and county will end up raising taxes, property tax, and it will hit every homeowner in the City and County of Honolulu.

"Those are the things that I can see why we should at least change the formula and not overburden the City and County of Honolulu. I think Mayor Kirk Caldwell as well as the city council were caught off guard, I hate to say napping, because I haven't seen them at all to more or less say something of concern about this bill.

"The other thing is, they have the association called Hawaii State Association of Counties. When they come to the Legislature to ask for a measure or benefits, all of them should vote in support. The mayor of counties do the same thing. But this is one case where we haven't heard from this Hawaii State Association of Counties as to the formula change, whereby one county has a reduction from 40% to 30%.

"That's the reason why I'm speaking with reservations on this measure. Hopefully in conference committee I'll be there to give some light to this measure. Thank you."

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

"In support. Hawaii County already has a higher real property tax rate than that of Honolulu, so we do appreciate the increase in TAT and we do appreciate that the Chair of Finance has seen fit that we get a slightly higher share than we used to have. Thank you."

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

"Thank you, Mr. Speaker. I stand in support because it reflects the great compromise that brought the convention center to life. I was actually around, believe it or not, back in the day as a staffer, when the convention center debate was roiling, actually divided the State Senate, caused reorg almost, actually it did cause a reorg. But anyway, during that time the neighbor islands were not supporting the convention center and the funding for it, because it was going to be, unless they knew that convention centers would eventually be built on all the neighbor islands, so they too could have the floor space to have these large groups come.

"Obviously at that time there was much consternation about that, so what was offered as a great compromise was we'll give you a portion of the TAT back so you can market your islands individually in exchange for supporting the convention center, which was chosen to the site where it is today.

"So I think this legislation simply reflects that fact. You have a convention center here in Oahu, we didn't have Comic Con come to Maui. Comic Con is not going to come to Hawaii. All that discretionary spending of all those young people will never see our islands unless we have a

convention center. So I think this just reflects what the deal was back in the day, and that's why I support it. Thank you."

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

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

"In strong support."

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

"Mr. Speaker and Members, I was one of the authors of what you have right now, the formula. I wish to speak for the bill with some slight reservations. I like many parts of the bill, especially the increase in revenue, but you need to understand, and I'm sure the Finance Committee does as they will begin to work out with the Senate Ways and Means, that you have to look back at the original formula, it was based on hotel rooms. And of course, Honolulu has most hotel rooms, Maui had the second best, the neighbor islands, Kauai and Hawaii didn't have nearly as much.

"And so in the end to provide some equity to the neighbor islands, especially Kauai and Hawaii, they reduced the formula from Honolulu, from 52% down to approximately 48%, and those dollars went to Kauai and Hawaii.

"So we've already made some adjustments then. And so all I ask is that the money committees, which I am sure they will, be looking at the formula again and try to find something that is as equitable as can be. Thank you very much."

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

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

"Mr. Speaker, I rise in opposition. The reason why I am opposed, I believe the Speaker is correct. This particular TAT was created in replacement of grants-in-aid to the respective counties.

"I'd also like to correct the Representative from Lahaina. The only reason why we have the convention center is because we have the hotel rooms, in providing the visitors to come to the conventions. It was never being against Maui, Kauai or the Big Island, and the Speaker is correct. When the Speaker was the Finance Chair, may I say this, Speaker Souki? You were very gracious in giving Maui a bigger share. Then Kauai and the Big Island got their share.

"But if you folks understand the tourist industry, Oahu was always the center point of the visitors arriving here. We had the spokes and wheel, meaning Aloha and Hawaiian took the visitors to the neighbor islands. Today we don't have that, it's direct flights. And that's why we have one demise of Aloha Airlines.

"I'm not here to pit Maui, Kauai and Hawaii against Oahu. But I would really love to know, if the Finance Committee and Ways and Means Committee, if they want to stick with the allocation, Members of the House, can you increase the TAT allocation for the counties? That way, that 40%, which is down to 30%, they may get that \$5 million that Oahu is losing to Kauai and the Big Island.

"But in the end, Members of the House, my opposition is this. We're all in the same canoe. No matter what we do, we're going to affect our voters and our constituency. If we lose this 10% for Oahu, how do you make it up? Property taxes? That's the only recourse that they have. That's the only recourse that they have for the counties. I've got friends here who want to raise the property tax because it is so low. But do our counterparts across the street have the will and the wherewithal?

"And the other concern I shared with some of our colleagues this morning was this. I asked the City and County of Honolulu, the different

departments, for a lot of support in the community. Department of Facility Maintenance, how many of you have homeless in your community? We had to call Department of Facility Maintenance for the Representative from Kaimuki, the Representative from Manoa, in cleaning up a homeless structure that was underneath our highway. We have it in McCully-Moilili by the library, and we asked the city and county to do all of our work, to do all of our favors.

"That is why I don't believe at this point in time we should be delving into something like this, when Oahu will be losing a greater share of the TAT. That is the concern for the Oahu Members at this point in time. Yes, you have a defective date, but what is the policy of this House today? Take from Oahu, give to Kauai and Big Island. Hey, it's fine with me, but I've got to go and face my voters to tell them why I took out \$10 million in their allocation.

"I wasn't going to speak, but the Members of this House have to be corrected in some of the statements that are being made. Finance Chair was the Speaker, before that it was another Kaimuki Representative, Ken Kiyabu, who was the Finance Chair."

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative Say continued, stating:

"Thank you very much, Representative. So all I'm getting at is that let's not play a game with the people of the State of Hawaii, since we are all in the same canoe. And Oahu is the focal point and the entry for a lot of our visitors. I still recall, for the Representative from Lahaina, where we were all scared one morning, or one evening, when the Representative from Kalihi had a bulletproof vest, because of the threats that were happening to him. But as a friend and colleague in the House, hey, I have so much fun with all of you. I told the Representative from Kalihi, hey, if I was smart, I wouldn't shoot you in the body, I'd shoot you between the eyes.

"But getting back to this industry, which is the number one industry in the State of Hawaii, I am concerned about this particular legislation, and that is the reason why I am voting against it. So in closing, I am sorry for the Journal, I won't be writing anything for you today. But I was going to do that, rather than speak. But let me correct all of this that has been said on the floor."

Representative Cachola rose to respond, stating:

"Thank you, Mr. Speaker. I just want to enlighten some of the Members of the House, because I was the Chair of Tourism way back when we debated on the convention center, as to its rationale, why we had to do it, and how we can come up with a convention center at less expense. We came up with a free convention center, but it died. Well, I can say that in hindsight, that could have been the best thing that we have done.

"It's true what Speaker Emeritus said, that I was wearing a bulletproof vest when I was threatened. And it was something that nobody here should experience, because your life is at stake. Not only my life, but my family, they also got threatening letters. But did I back down? No. Because I know that coming up with ways to generate funds for the State will be for the best interest of all the residents. Not only for Oahu, but the State of Hawaii.

"One of the rationale of why we have a convention center is the conventioners will come here. Not only to attend the convention, but after the convention, like two or three days, they go to the neighbor islands and spend their vacation. That's the task of the Hawaii Tourism Authority, to promote not just Honolulu, but the entire State of Hawaii. So we can see a lot of conventioners going to different islands, and that's one way to help the other counties.

"So hopefully by explaining to the Members of the different counties that it's not only the City and County of Honolulu that is going to benefit in the construction of the convention center. Hopefully, if you have any questions, I will be free to respond. Thank you."

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

"Thank you, Mr. Speaker. Reservations. My reservations stem from the reallocation of money away from Oahu. The Legislature already takes 10% of the GET for HART from Oahu taxpayers and then that money goes in the general fund. The odds are, most of it gets spent back on Oahu, because this is where the seat of government is and most of the services and everything.

"But we take this money from Oahu taxpayers and it goes into a pot that's used by the whole state. And I don't think we should do that. And now we reduce the amount of the TAT tax that goes to the City and County of Honolulu, when it's obvious that the City and County of Honolulu have the highest infrastructure cost for supporting the largest industry of the State. And I just have serious reservations about that, and I hope in conference committee perhaps that reallocation can be looked at again. Thank you."

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Still in support with reservations. I just want to correct one of the statements that was made by a previous speaker. The amount that Oahu stands to lose is \$28 million, not \$10 million. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2987, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Cachola, Fukumoto Chang, Har, LoPresti, Matsumoto, Ohno and Souki voting aye with reservations, with Representatives Ito, McDermott, Say, Tupola and Ward voting no, and with Representative Thielen being excused.

At 12:06 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2723, SD 1, HD 2  
S.B. No. 2398, SD 2, HD 2  
S.B. No. 2077, SD 1, HD 2  
S.B. No. 2816, SD 1, HD 2  
S.B. No. 2987, SD 2, HD 2

### THIRD READING

#### S.B. No. 2844, SD 2, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2844, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF EXCESS REVENUES," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2921, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2921, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2922, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Fukumoto Chang and Matsumoto voting no, and with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2923, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2923, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Fukumoto Chang, Matsumoto, McDermott, Pouha, Tupola and Ward voting no, and with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2925, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2925, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADJUSTMENTS," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives McDermott, Tupola and Ward voting no, and with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2375, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2585, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2585, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2542, SD 2, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2542, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIR AND MAINTENANCE," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2547, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Oshiro and Thielen being excused.

#### S.B. No. 2550, HD 1:

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

At 12:08 o'clock p.m., Representative Keohokalole requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:08 o'clock p.m.

At 12:10 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2844, SD 2, HD 1  
S.B. No. 2921, HD 1  
S.B. No. 2922, HD 1  
S.B. No. 2923, SD 1, HD 1  
S.B. No. 2925, SD 1, HD 1  
S.B. No. 2375, SD 1, HD 1  
S.B. No. 2585, SD 1, HD 1  
S.B. No. 2542, SD 2, HD 1  
S.B. No. 2547, SD 1, HD 1  
S.B. No. 2550, HD 1

**S.B. No. 2555, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

**S.B. No. 2250, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Fukumoto Chang voting no, and with Representatives Oshiro and Thielen being excused.

**S.B. No. 2104, SD 2, HD 1:**

Representative Saiki moved that S.B. No. 2104, SD 2, HD 1 pass Third Reading, seconded by Representative Evans.

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

"With slight reservations. I'm in strong support of the bill. I would like to, however, point out that by putting the bail monies as part of the collection, it actually dis-incentivizes bounty hunters. And not only that, it also would put at risk family monies, because those are usually the people who put up their homes and their monies to bail out people. And it seems to me it's highly inappropriate to punish the family for the sins of the defendants. And as such, it is with slight reservations. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2104, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF RESTITUTION FOR CRIME VICTIMS," passed Third Reading by a vote of 49 ayes, with Representative San Buenaventura voting aye with reservations, and with Representatives Oshiro and Thielen being excused.

**S.B. No. 2103, SD 1, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2103, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McKelvey voting no, and with Representatives Oshiro and Thielen being excused.

**S.B. No. 2552, SD 1, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2552, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

**S.B. No. 2645, SD 2, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2645, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER AUDITS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Thielen being excused.

**S.B. No. 2849, SD 1, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, S.B. No. 2849, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Oshiro and Thielen being excused.

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

The House of Representatives reconvened at 12:13 o'clock p.m.

At 12:14 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2555, HD 1  
S.B. No. 2250, HD 1  
S.B. No. 2104, SD 2, HD 1  
S.B. No. 2103, SD 1, HD 1  
S.B. No. 2552, SD 1, HD 1  
S.B. No. 2645, SD 2, HD 1  
S.B. No. 2849, SD 1, HD 1

**ANNOUNCEMENTS**

Representative Evans: "Thank you, Mr. Speaker. I find it interesting that today is the day we finished our third reading bills, but it's also Equal Pay Day. April 12th, today, thousands of men and women across the United States are going to join in a national day of action against unfair pay called Equal Pay Day. April is symbolic of the point in the new year that a woman must work in order to earn the wages paid to a man in the previous year.

"On the national level, women are paid only 79 cents for every dollar a man is paid, according to the US Census Bureau. At a time when America's economy is facing uncertainty, every penny counts. Economist Evelyn Murphy, president and founder of the WAGE Project, estimates that the wage gap costs the average American full-time woman worker between \$700,000 and \$2 million over the course of a lifetime.

"Fair pay strengthens the security of families today and eases future retirement costs while enhancing the American economy. I challenge all of us to encourage our business community and government to review their pay practices to ensure that women are not discriminated against by performing an equal pay self-audit.

"So with that, Members and people listening, I think it's good that we point it out to everyone and keep moving forward and making progress. Thank you, Mr. Speaker."

Representative Saiki: "Mr. Speaker, I'd like to congratulate all the Members for beating the Senate today. I'm sure in many years it's the first time. After we adjourn, lunch is set up. Thank you."

**COMMITTEE REASSIGNMENTS**

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

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
81	Committee on Finance
96, SD2	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance

**ADJOURNMENT**

At 12:17 o'clock p.m., on motion by Representative Evans, seconded by Representative Pouha and carried, the House of Representatives adjourned until 12:00 o'clock noon Thursday, April 14, 2016. (Representatives Oshiro, Say and Thielen were excused.)

**HOUSE COMMUNICATIONS**

House Communication dated April 12, 2016, 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. 210, HD 1, SD 2  
H.B. No. 493, HD 1, SD 2  
H.B. No. 1046, HD 2, SD 2  
H.B. No. 1404, HD 1, SD 2  
H.B. No. 1543, SD 1  
H.B. No. 1627, HD 3, SD 2  
H.B. No. 1703, HD 2, SD 1  
H.B. No. 1705, SD 1  
H.B. No. 1774, HD 1, SD 2  
H.B. No. 2034, HD 1, SD 2  
H.B. No. 2156, HD 2, SD 2  
H.B. No. 2217, HD 1, SD 1  
H.B. No. 2247, HD 1, SD 2  
H.B. No. 2466, HD 1, SD 1  
H.B. No. 2582, HD 1, SD 1  
H.B. No. 2675, HD 1, SD 2  
H.B. No. 2721, HD 1, SD 2  
H.B. No. 2741, HD 1, SD 1

"April 12, 2016

Governor David Ige  
State of Hawaii  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Governor Ige,

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto:

S.B. No. 3034, SD 1, HD 2, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE I OF  
CONSTITUTION OF THE STATE OF HAWAII TO ESTABLISH  
RIGHTS FOR VICTIMS OF CRIMES."

Said measure passed Third Reading in the House of Representatives on this date.

Respectfully,  
/s/ Brian L. Takeshita  
Brian L. Takeshita  
Chief Clerk  
House of Representatives

Enclosure

CC: Carol T. Taniguchi, Clerk of the Senate  
Scott Nago, Chief Election Officer"