

SIXTEENTH DAY

Monday, February 10, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:07 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Senior Pastor Allen Cardines, Jr. of Hope Chapel Nanakuli, after which the Roll was called showing all Members present with the exception of Representatives Belatti and Cachola, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 192 through 218) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 192, dated January 8, 2014, transmitting the Adult Protective Services Restructuring Report, prepared by the Department of Human Services, Social Services Division, pursuant to HCR 118, HD 1 (2013).

Gov. Msg. No. 193, dated January 10, 2014, transmitting the Hawaii Interagency Council on Homelessness Report, prepared by the Department of Human Services pursuant to SCR 137, SD 1 (2013).

Gov. Msg. No. 194, dated January 10, 2014, transmitting the report, Recommendations to Leverage County, State, Federal, and Private Funding for an Educational Resource Center at the Honouliuli Site and Status on Designating Honouliuli Internment-Prisoner of War Camp Site Within Hawaii as Part of the United States National Parks Service, prepared by the Department of Land and Natural Resources pursuant to Act 235, SLH 2012.

Gov. Msg. No. 195, dated January 10, 2014, transmitting the report, Status of the Program for Environmentally-Themed Products to Support the Environment, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-5.5, HRS.

Gov. Msg. No. 196, dated January 10, 2014, transmitting the report, Relating to the Natural Area Reserves System, Natural Area Partnership Program, and the Financial Condition of the Natural Area Reserve Fund, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 197, dated January 10, 2014, transmitting the report, Identification of Rivers and Streams Worthy of Protection, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Section 174C-31, HRS.

Gov. Msg. No. 198, dated January 10, 2014, transmitting the Working Group Report, prepared by the State Foundation on Culture and the Arts pursuant to SCR 57, SD 2 (2012).

Gov. Msg. No. 199, dated January 10, 2014, transmitting the Gulf War Memorial Task Force Report, prepared by the Department of Defense, Office of Veterans Services, pursuant to Act 139, SLH 2013.

Gov. Msg. No. 200, dated January 15, 2014, transmitting the Temporary Assistance for Needy Families Report, prepared by the Department of Human Services pursuant to Act 134, Part VII, Section 118, SLH 2013, and Section 346-51.5, HRS.

Gov. Msg. No. 201, dated January 15, 2014, transmitting the Medicaid Reduction Plan Report, prepared by the Department of Human Services, MedQUEST Division, pursuant to Act 134, Part VII, SLH 2013.

Gov. Msg. No. 202, dated January 16, 2014, transmitting the Report on Land Dispositions Made of Public Lands for the Calendar Year 2013, prepared by the Department of Land and Natural Resources pursuant to Section 171-29, HRS.

Gov. Msg. No. 203, dated January 29, 2014, transmitting the Department of Human Services Annual Report for Fiscal Year 2013 and the Annual Report for the Office of Youth Services, prepared by the Department of Human Services pursuant to Section 346-5 and 352D-6, HRS.

Gov. Msg. No. 204, dated January 30, 2014, transmitting the Report of the Homeless Assistance Working Group, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 222, Part VII, SLH 2013.

Gov. Msg. No. 205, dated January 30, 2014, transmitting the Temporary Assistance for Needy Families Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 134, Part VII, Section 117, SLH 2013.

Gov. Msg. No. 206, dated January 31, 2014, transmitting the Relating to Prescription Drugs Report, prepared by the Hawaii Employer-Union Health Benefits Trust Fund pursuant to Act 226, SLH 2013.

Gov. Msg. No. 207, dated January 31, 2014, transmitting the 2013 Annual Report of the High Technology Development Corporation, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 206M-3.5, HRS.

Gov. Msg. No. 208, dated January 31, 2014, transmitting the Rental Housing Trust Fund Project Awards report, prepared by the Department of Business, Economic Development and Tourism, Hawaii Housing Finance and Development Corporation, pursuant to Section 201H-202(f), HRS.

Gov. Msg. No. 209, dated January 31, 2014, transmitting the Fiscal Year 2012-2013 Annual Report of the Office of Planning, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 205A-3(10), HRS.

Gov. Msg. No. 210, dated January 31, 2014, transmitting the 2013 Annual Report of the Hawaii Community Development Authority, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 206E-19, HRS.

Gov. Msg. No. 211, dated January 31, 2014, transmitting the Hawaii Interagency Council on Homelessness Report, prepared by the Department of Human Services pursuant to Section 346-381(9), HRS.

Gov. Msg. No. 212, dated January 31, 2014, transmitting the Public Utilities Commission's Annual Report for Fiscal Year ending June 30, 2013, prepared by the Public Utilities Commission pursuant to Section 269-5, HRS.

Gov. Msg. No. 213, dated February 3, 2014, transmitting the Fiscal Year 2013 Annual Audit of the Hawaii Health Systems Corporation, prepared by the Hawaii Health Systems Corporation pursuant to Section 323F-22, HRS.

Gov. Msg. No. 214, dated February 5, 2014, transmitting the Report on Direct Holdings in Sudan Scrutinized Companies, prepared by the Employees' Retirement System pursuant to Act 192, SLH 2007.

Gov. Msg. No. 215, dated February 5, 2014, transmitting the report on the Hawaii Venture Capital Investment Program, prepared by the Employees' Retirement System pursuant to Act 260, SLH 2007.

Gov. Msg. No. 216, dated February 5, 2014, transmitting the Electronic Funds Transfer Report, prepared by the Department of Taxation pursuant to Section 231-9.9, HRS.

Gov. Msg. No. 217, dated February 5, 2014, transmitting the Cash Economy Enforcement Act Report, prepared by the Department of Taxation pursuant to Act 134, SLH 2009.

Gov. Msg. No. 218, dated February 5, 2014, transmitting the Environmental Council 2013 Annual Report, prepared by the Department of Health pursuant to Section 341-46, HRS.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 12) was received and announced by the Clerk:

Sen. Com. No. 12, transmitting S.B. No. 3038, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," which passed Third Reading in the Senate on February 7, 2014.

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Belatti and Cachola were excused.)

S.B. No. 3038

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

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

"Mahalo ho'omalū 'ōlelo.

Ka hua 'ōlelo o ka lā – Kauka.

Kauka – Doctor, physician, medical.

He kauka maika'i 'o Hanohano wahine. Dr. Hanohano is a very righteous doctor.

Kauka, 'ōia ka hua 'ōlelo o ka lā."

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

The House of Representatives reconvened at 12:27 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Belatti, Cachola, Carroll and Ichiyama were excused.)

UNFINISHED BUSINESS

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 247-14) recommending that H.B. No. 716 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 716 pass Third Reading, seconded by Representative Cabanilla.

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

"Mr. Speaker, just note my reservations with this measure. This is a fee increase upon our poor accountants, like my fellow colleague here. Thank you very much."

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

"Mr. Speaker, I need a ruling on a potential conflict. I'm a CPA," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. With a heavy heart, I stand in strong support of this measure. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 716, entitled: "A BILL FOR AN ACT RELATING TO THE DISCIPLINARY AUTHORITY OF THE BOARD OF PUBLIC ACCOUNTANCY," passed Third Reading by a vote of 49 ayes, with Representatives Belatti and Cachola being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 248-14) recommending that H.B. No. 849, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 849, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Third Reading by a vote of 49 ayes, with Representatives Belatti and Cachola being excused.

At 12:31 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 716

H.B. No. 849, HD 2

REPORTS OF STANDING COMMITTEES

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 249-14) recommending that H.B. No. 2289 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2289, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 250-14) recommending that H.B. No. 2410 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2410 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

"Strong reservations, Mr. Speaker."

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

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

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

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

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

"Mr. Speaker, in strong support. Thank you for the time. This bill works within the constructs of the Department of Education and makes minimal disruptions with regards to operationalize two main things. One is early detection. And the second is allowing for some best practices to be together on one main webpage. I'm working with the stakeholders and I look forward to them fully supporting this measure. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2410, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 251-14) recommending that H.B. No. 2473 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2473, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 252-14) recommending that H.B. No. 2595 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2595 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES AGAINST MINORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 253-14) recommending that H.B. No. 2596 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B.

No. 2596, entitled: "A BILL FOR AN ACT RELATING TO AIR CONDITIONING IN PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 254-14) recommending that H.B. No. 2056, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 255-14) recommending that H.B. No. 2304, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NEUROTRAUMA ADVISORY BOARD," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Cachola and Takai being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 256-14) recommending that H.B. No. 2319, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 257-14) recommending that H.B. No. 2236 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2236 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2236, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 258-14) recommending that H.B. No. 2513 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2513, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 259-14) recommending that H.B. No. 2482, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2482, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 260-14) recommending that H.B. No. 2242 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2242, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 261-14) recommending that H.B. No. 2241 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2241, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 262-14) recommending that H.B. No. 2583 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO ASSISTING UNLICENSED CONTRACTORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 263-14) recommending that H.B. No. 2015, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2015, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 264-14) recommending that H.B. No. 1950, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1950, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 265-14) recommending that H.B. No. 2003, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B.

No. 2003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 266-14) recommending that H.B. No. 1853, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTEES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 267-14) recommending that H.B. No. 2621, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ACCOUNTABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 268-14) recommending that H.B. No. 2255 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2255, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PERFORMANCE CONTRACTING FOR PUBLIC BUILDINGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 269-14) recommending that H.B. No. 2256 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2256 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 2256. The initial purpose of the environmental response, energy, and food tax was to create a reserve for environmental response. However, over the years, both the tax and reserves have not served their original purpose. The money should have been spent for its original purpose then, rather than now extending the tax for continued funding for programs outside the scope of the original intention. My constituents already spend more than most on gas because of the long commutes in traffic from Mililani. Any measure that would cause them to pay more for gas gives me cause for concern. For these reasons, I cannot support an extension for the environmental response, energy, and food tax. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2256, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE, ENERGY, AND FOOD SECURITY TAX REPEAL DATE," was referred to the Committee on Finance, with Representatives Fale and Fukumoto voting no, and with Representatives Belatti, Cachola and Takai being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 270-14) recommending that H.B. No. 2306, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2306, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE ENVIRONMENTAL RESPONSE REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 271-14) recommending that H.B. No. 2308, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN ENVIRONMENTAL INFORMATION MANAGEMENT OFFICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representatives Lee and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 272-14) recommending that H.B. No. 2049, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committees was adopted and H.B. No. 2049, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 273-14) recommending that H.B. No. 1602 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1602, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 274-14) recommending that S.B. No. 1007, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.B. No. 1007, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," was referred to the Committee on Finance, with Representatives Belatti, Cachola and Takai being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 275-14) recommending that H.B. No. 2409 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2409 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, this bill is about keeping the homeless off of our bus seats, waiting places for buses. Mr. Speaker, if I may hypothesize, homelessness is a function of the breakdown of our families, of our economy where there's not enough jobs, and the proliferation of drugs in certain discouraged members of our population. But instead of attacking it at the core, we're attacking it at the periphery, at the margins, at the point of harassment of calling these things criminal behavior, in criminalizing conduct that is heretofore not criminalized like other behaviors are. Such as, as the public defender reminded us, things that cause fighting, spitting, loitering.

"We passed a bill the other day about defecating and urinating. None of this, is laying on the bench criminal behavior, but we are going to make it criminal behavior? Mr. Speaker, I would draw the attention of the Body to what we did last year with the same bill, exactly the same bill. We passed it on Third Reading, and then we recommitted it.

"Mr. Speaker, as I've said before on this Floor, the new hope is that Housing First is going to resolve this problem. Let's wait till that kicks in, and then if it doesn't, then start these more Machiavellian bus stop police and removal and making criminals out of these guys who wouldn't even probably have the \$50 to pay for the fine that's being imposed here.

"For those reasons, Mr. Speaker, this is bad policy. It's premature and it's something that even if one person in this Body has somebody in their district who can't sit down on the bench. For the greater good, we have to look at the bigger picture and the longer range. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. With reservations and a brief explanation. My reservations stem from a completely different area, which was brought up by the previous speaker, in another bill. Insofar as, this is what they call 'home rule' of our counties. And as an advocate of home rule, once again I say, responsibility comes with this type of power. And this should be addressed by our counties at the ordinance level, which I think will also help to facilitate enforcement as well. So, thank you very much, Mr. Speaker."

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

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

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

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

"Mr. Speaker, thank you. In support. I won't speak long on Second Reading, but I would just say that with regard to the sitting at and lying down at the bus stops, which is what this is aimed at, any homeless person can come and sit at a bus stop, as long as they want to, under this bill.

"You know, if all the homeless people or if anybody in general started camping out on the onramps to the H-1, and we wanted to remove them because traffic needed to flow onto the H-1, no one would say that that was anti-homeless. When there were homeless people at the airport, they're not there anymore, it's because it's a transportation issue. I don't know how, I don't know what legal basis DOT used to remove homeless people from the airport.

"But for thousands and thousands of Oahu and statewide residents, for that matter, they rely on the bus every day, and they need to be able to use their bus stops. The homeless ride the bus all the time. I have a bus pass myself. Homeless people are legitimately waiting at bus stops to ride, but when they're not waiting for a bus and they're just lying there taking up all the space that other people really need to use, then we have a problem. Mahalo."

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

"Thank you, Mr. Speaker. I know this is Second Reading and it's going to be referred to the next committee, which I sit on, so I will leave that up to the chair of that committee, who I know is very astute to these issues. So for now, Mr. Speaker, with reservations. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Last year, HB 31, I voted no on the Final Reading. So I'm just going to remain consistent in my stand. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. First of all, in the interest of true bipartisanship, I'd like the words of the former Minority Leader adopted as my very own. I think the eloquent statements of the colleague from Hawaii Kai, Aina Haina, summarize some of my initial thoughts. I'd just like to read a bit from the testimony of the Office of the Public Defender because I think it kind of touches upon the legal defect of this bill and how ineffective it is in trying to address the concerns of the Representative from Chinatown.

"This measure would add a Subsection to Section 711-1101 of the Hawaii Revised Statutes, making lying down at a bus stop or shelter a petty misdemeanor offense of disorderly conduct. The offense of disorderly conduct involves the prescription of bad conduct or behavior. The behavior described in this statute includes fighting, threatening, tumultuous behavior, offensive coarse behavior, and unreasonable noise, to name a few.

"The conduct that is being proscribed in this measure is lying down in a manner that impedes or obstructs the use of or access to the bus stop. 'Enforcement of this measure will be a problem,' says the public defender. 'How do you differentiate between someone who fell asleep waiting for the bus and someone who is homeless and sleeping at the bus shelter? What happens if the person is sleeping on a cot, or beach chair, or if a group of people, living at the bus shelter, take turns sleeping and looking out for police officers? This measure cannot be enforced if the person lying down at the bus stop or shelter is not impeding or obstructing the use of or access to the bus stop.

"While it is true that people sleeping at or near bus stops may inconvenience the public, criminalizing such behavior is not the answer. Have you ever heard anyone describe homelessness as a crime? Homelessness is not and should not be a crime. We have to look at solutions and answers to the homeless situation, which would in turn solve the problem of people living at or near bus stops.' So that's the comment of the Office of the Public Defender.

"Mr. Speaker, like a similar bill that we heard and we approved last week dealing with defecation and urination in public, on a public road, or paved highway, or paved sidewalk. It runs the same defect of not being enforceable. And that's a consequence, Mr. Speaker. When I go out and tell my community and my constituents why I oppose this bill, I'll tell them that this bill does nothing to address the injury at hand. It does nothing to address their concern of people urinating or defecating, or in this case, using the bus shelter to find shelter from the elements, or even using it temporarily to sleep at because they have no other place to go.

"You see, Mr. Speaker, that's what we're looking at right here. These people who might be needing a place to find shelter and a place to sleep. Can't do it at the parks, can't do it at the beach, can't do it on the sidewalk, can't do it in the street. So like any reasonable, rational person, they would look at a bus stop or other shelter in the public domain from the elements. Where do we put them? Where do they go? I think those are some of the larger questions that arise when you look at bills like this.

"But as far as effectively dealing with the issue, Mr. Speaker, this bill does none of that. It creates the illusion of doing something when it does nothing at all. So, these are some of my comments of why I oppose this bill. I think it's mean-spirited. I think as a member of this caucus, we should not be moving bills like this forward. I'll just end with that, Mr. Speaker. I oppose this bill. Thank you."

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

"Mr. Speaker, in opposition. I'm going to speak from personal experience. Mr. Speaker, I was playing a rugby game in Kahuku, and we were actually playing one of the Kalihi teams, and I bruised one of my ribs and rolled an ankle of mine, Mr. Speaker. I had to make my way down to the bus stop to get back to Hauula. I actually kind of sat on a sloping hill, it was maybe about 15 yards away from the bus stop. Mr. Speaker, if you have bruised ribs and a rolled ankle, it's kind of hard when you see the bus coming to actually get to the bus in time to catch the bus and actually make it.

"So I missed that first bus, but fortunately, Mr. Speaker, at that time, the bus came every 30 minutes. So I actually decided to lay down at the bus stop, this is during the day, and had my right ankle on top of the chair while I laid down, because it's kind of hard to breathe when you have bruised ribs, Mr. Speaker. So I would be breaking this law. And I do plan on playing rugby again this year, Mr. Speaker. So I may encounter the same situation where I have to be at the bus stop, laying down in a manner that impedes or obstructs the use of or the access to the bus stop.

"And the bigger problem now, Mr. Speaker, is that the bus comes every hour on my side of the island. I know some of the bus routes were restored over here in the urban core area. But out on my side of the island, Mr. Speaker, it's an hour. So if you miss that bus, and sometimes it comes in an hour, maybe it's an hour and a half. I've waited an hour and 45 minutes before the next bus actually came. That's a long time. And as the previous speaker mentioned, you actually do fall asleep sometimes at the bus stop, Mr. Speaker. And I think it would be very unfortunate to have somebody who lays down and may impede or obstruct the use or access to the bus stop, to make them a law breaker, Mr. Speaker.

"So as a person who knows that there are certain circumstances that may require you to use the bus stop in such a way, Mr. Speaker, I think it would be very unfortunate to criminalize those people. And for those reasons, Mr. Speaker, I must be opposed."

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

"Thank you, Mr. Speaker. I rise in support. The only thing is, I hope with this discussion that maybe the language gets tightened up a little bit. But I know that in Waikiki when I went to the bus stop, I saw our elderly and our *kupuna* unable to sit and wait for the bus because there was a homeless person laying there. I believe the bus stop is there for a purpose. The benches are there for people to share. These people sometimes will take up the whole bench, and I saw the *kupuna* having trouble, and I was very disturbed by that.

"I think that what the bill is really trying to achieve is to give at least the authority and to allow the police officers to go up and ask these people to move and maybe take some action. I do not believe our officers are mean-spirited. I do not think that they would ask the previous speaker, I don't think they would harass him. I think they would understand the situation. This is another tool that we can give to our officers, to have maybe some public decorum. And so with that, like I said, maybe we can tighten up on the language. But I do understand the intent of the bill, and that's why I support it. Thank you."

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

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

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

"Thank you, Mr. Speaker. With reservations. May I please have the words of the speakers from Hawaii Kai and Wahiawa entered into the Journal as if they were my own? And just a brief response to the speaker from Waikoloa. This is a systemic problem, and that's the issue. This is a band-aid solution, this is not good policy. It's not about giving tools to our officers. It's a systemic problem, homelessness, and that's what we have to address. That's what the speakers from Hawaii Kai as well as from Wahiawa were saying. And for those reasons, I rise with reservations. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. Like the Representative from the North Shore, I also have experience in waiting at bus stops. There are times, daytime, at crowded Waikiki bus stops, I do ask people sleeping there to leave. And to the credit of those people, they always do. And they understand my point of view.

"Some people in this Chamber say that the homeless have nowhere to go. But I've come to believe that the homeless have everywhere to go, because I see homelessness everywhere, unfortunately. It's unfortunate that the Representatives of Hawaii Kai and Wahiawa don't offer better solutions. I know what they don't want. They don't want to criminalize this behavior, and neither do I. But tell me what you do want. Because we only have ourselves to blame on the issue of homelessness. And to those sleeping at bus stops in Waikiki, I never approach them at night because I do feel bad for them.

"On another level, I don't think that this bill, should it become law, will be enforced, unfortunately. And lastly, what we're really trying to prevent is when people do sleep at bus stops, they urinate at bus stops. And my heart goes out to the elderly, who have to stand at these bus stops. Because the city asks us to ride public transportation, but then they don't do enough to take care of those bus stops. Thank you."

At this time, Representative Ing called for the previous question.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2409, entitled: "A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Fale, Hanohano, Jordan, McDermott, Oshiro and Ward voting no, and with Representatives Belatti, Cachola and Takai being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 276-14) recommending that H.B. No. 2368 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2368 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

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

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

Representative Har 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2368, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Cachola and Takai being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 277-14) recommending that H.B. No. 2012, as amended in HD 1, be recommitted to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was recommitted to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Cachola and Takai being excused.

THIRD READING

H.B. No. 601, HD 1:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," passed Third Reading by a vote of 47 ayes, with Representatives Belatti, Cachola, Nishimoto and Takai being excused.

At 12:59 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 601, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 38) was referred to Printing and further action was deferred:

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN HEEIA, KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, REPAIR, AND REMOVAL OF AN EXISTING PIER," was offered by Representative Wooley.

ANNOUNCEMENTS

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

2219 Committee on Finance

2301 Committee on Health, then to the Committee on Judiciary

ADJOURNMENT

At 1:00 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 11, 2014. (Representatives Belatti, Cachola, Nishimoto and Takai were excused.)