

TWENTIETH DAY

Friday, February 14, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:11 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Mr. Aaron Mahi of Partners in Development, after which the Roll was called showing all Members present with the exception of Representatives Cachola, Carroll, Fukumoto, Takumi and Woodson, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 17 through 22) were received and announced by the Clerk:

Sen. Com. No. 17, transmitting S.B. No. 2126, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEMBERS OF CONGRESS," which passed Third Reading in the Senate on February 13, 2014.

Sen. Com. No. 18, transmitting S.B. No. 2137, entitled: "A BILL FOR AN ACT RELATING TO THE TERMS OF MEMBERS OF THE BOARD OF EDUCATION," which passed Third Reading in the Senate on February 13, 2014.

Sen. Com. No. 19, transmitting H.B. No. 2353, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR SECURITY AT HONOLULU INTERNATIONAL AIRPORT," which passed Third Reading in the Senate on February 13, 2014.

Sen. Com. No. 20, transmitting S.B. No. 2545, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSAL CHILDREN'S SAVINGS ACCOUNTS," which passed Third Reading in the Senate on February 13, 2014.

Sen. Com. No. 21, transmitting S.B. No. 2808, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNCLAIMED PROPERTY TRUST FUND," which passed Third Reading in the Senate on February 13, 2014.

Sen. Com. No. 22, transmitting S.B. No. 2895, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXPAYER EDUCATION," which passed Third Reading in the Senate on February 13, 2014.

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

S.B. No. 2126, SD 1
S.B. No. 2137
S.B. No. 2545, SD 2
S.B. No. 2808, SD 1
S.B. No. 2895, SD 1

At 12:16 o'clock p.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 12:17 o'clock p.m.

Representative Saiki moved that the House give notice of intent to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Cabanilla and carried: (Representatives Cachola, Carroll and Takumi were excused.)

H.B. No. 2353, (SD 1)

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'omalu 'ōlelo.

Ka hua 'ōlelo o ka lā – Pilikia.

Pilikia – trouble of any kind, great or small, problem, nuisance, bother, adversity, affliction, accident, difficulty, inconvenience, tragedy, lack, in trouble, troubled, bothered, cramped, crowded, unsafe.

'A'ole pilikia. No trouble, no problem.

Ke noho kāua a pilikia 'ia au. When we live together and I get into difficulties.

Pilikia, 'ōia ka hua 'ōlelo o ka lā. Trouble, the Hawaiian word for the day. *Mahalo.*"

INTRODUCTIONS

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

Representative Ichiyama, on behalf of Representatives Belatti, Luke, Nishimoto, Saiki, Thielen, herself, and all Richardson School of Law alumni, introduced visitors from the University of Hawaii, William S. Richardson School of Law, celebrating its 40th anniversary: Dean Avi Soifer, Associate Dean Ronette Kawakami, Special Advisor Lyn Flanigan, and Chief Justice Mark Recktenwald.

Representative Har introduced her friend, Mr. David Rodrigues from the Department of Transportation.

Representative Awana introduced her intern, Michele Xin, a student of Finance from Beijing, University of International Business and Economics.

Representative Takai introduced a former staff member, Ms. Marnelli Joy Basilio.

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 a certain Senate Bill for Third Reading by consent calendar. (Representatives Cachola, Carroll and Takumi were excused.)

UNFINISHED BUSINESS

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 380-14) recommending that S.B. No. 499, SD 1, 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 S.B. No. 499, 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 Cachola, Carroll and Takumi being excused.

At 12:23 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 499, SD 1, HD 2

REPORTS OF STANDING COMMITTEES

Representatives Aquino and Yamane, for the Committee on Public Safety and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 414-14) recommending that H.B. No. 1666 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 Committees was adopted and H.B. No. 1666, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 415-14) recommending that H.B. No. 1868 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. 1868, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 416-14) recommending that H.B. No. 2008 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. 2008, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 417-14) recommending that H.B. No. 2457, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2457, HD 1 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Mr. Speaker, I stand in support with some reservations. My reservations are that I didn't see any testimony from the dentists in here. Certainly their goal was laudable, but unless I'm missing something, I'd like to see their input. Thank you."

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

"Mr. Speaker, in strong support and if I may say some brief words. Mr. Speaker, I normally don't stand up on bills on Second Reading, but I wanted to bring to the attention of the House that we have a number of bills, including this one, that seek to address the F grade that we have gotten nationally for our dental care, and particularly for our dental care for our *keiki*.

"This is a bill that has been worked on with the Department of Health. We have sought a lot of stakeholder input. We are beginning to have conversations with the Hawaii Primary Care Association, schools, the Department of Education. So this particular bill, House Bill 2457, which would establish and do a pilot program for a school-based dental sealant program, is a very thoughtful approach to begin to address, again, the F grade that we have nationally.

"There are going to be a number of other bills that I will stand up and speak about, but I believe that, again, this is something that we all be very proud of at the end of the day. So, I urge the folks to take a look at the testimony, to see the testimony that was provided by all the stakeholders, including the Hawaii Dental Association. And see that their comments

were not in fact addressed on point to the language of the bill. Thank you, Mr. Speaker."

Representative Fale rose in support of the measure with reservations and asked that the remarks of Representative McDermott 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 H.B. No. 2457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takayama being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 418-14) recommending that H.B. No. 2562 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. 2562, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE IMMERSION," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 419-14) recommending that H.B. No. 2354, 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. 2354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 420-14) recommending that H.B. No. 1616 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. 1616, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 421-14) recommending that H.B. No. 2626, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2626, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading

and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 422-14) recommending that H.B. No. 2614, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2614, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 423-14) recommending that H.B. No. 2060, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2060, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

Representative Hanohano rose and asked that the Clerk record a no vote 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2060, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance, with Representatives Choy, Hanohano and Oshiro voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 424-14) recommending that H.B. No. 1545, 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. 1545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 425-14) recommending that H.B. No. 2620, 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 H.B. No. 2620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 426-14) recommending that H.B. No. 1953 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. 1953, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 427-14) recommending that H.B. No. 1742, HD 1, as amended in HD 2, 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. 1742, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 428-14) recommending that H.B. No. 2180, 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 H.B. No. 2180, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 429-14) recommending that H.B. No. 1931, 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 H.B. No. 1931, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 430-14) recommending that H.B. No. 2266, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2266, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2266, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT UNIVERSITY OF HAWAII COLLECTIVE BARGAINING COSTS," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 431-14) recommending that H.B. No. 2351 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. 2351, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 432-14) recommending that H.B. No. 2393, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 433-14) recommending that H.B. No. 2563, 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. 2563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 434-14) recommending that H.B. No. 1894, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1894, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

"Reservations also, Mr. Speaker. I'm just not quite sure why we would put a surcharge tax on car sharing vehicles. It would seem to me that it would go the opposite way, that we would want to encourage car sharing. Thank you."

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

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

"Mr. Speaker, in support. Just for clarification, this does lower tax rates. It takes car sharing out of the category of other rental cars. Thank you."

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

Representative Hanohano 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. 1894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CAR-SHARING VEHICLE

SURCHARGE TAX," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 435-14) recommending that H.B. No. 2352, 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. 2352, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 436-14) recommending that H.B. No. 2428, 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. 2428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 437-14) recommending that H.B. No. 2218, 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. 2218, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 438-14) recommending that H.B. No. 2299, HD 1, as amended in HD 2, 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. 2299, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 439-14) recommending that H.B. No. 2580 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. 2580 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Yamashita rose and asked that the Clerk record an aye vote with reservations for him, 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 Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. The issue of increasing the minimum wage is one thing, but the idea of deleting a credit, tip credit, I just can't imagine where that's coming from. So, if

anybody has some insight. Having been a bell boy when I was a student, making sometimes up to \$50 an hour, that would save money for the employer if there was a credit to reduce my per hour wage and let me take my \$50 an hour. Some people make even more than that.

"The point is, we want people to hire more people in our economy, we want to stimulate the economy. This does the exact opposite. It gives a little bit of a minimum wage on others, but for those who could actually put more money into the employers pocket to give more wages to the others, we're eliminating the tip credit. Some states have \$5 tip credit, \$4, \$7. We have zero. Mr. Speaker, this is really retro policy making. That's a major, major oversight. Thank you."

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

"Thank you, Mr. Speaker. In support with reservations. I also have brief comments. Thank you. I wanted to stand, and this is certainly one of the foremost issues emerging this legislative session, both in this Body as well as in the Senate. One of the reasons I wanted to make some brief comments is, I continue to support the concept of a minimum wage as an anti-poverty measure. And I think we need to do more to reduce poverty. So, I do support this in concept.

"My concern though, is this bill has three incremental rises of \$0.75 each and thereafter. The pegging of it to the Consumer Price Index may leave something to be desired for small businesses, who not only have to weather those incremental increases, but then have to adjust to, and albeit probably marginal, small fluctuations in the rate, because the CPI just usually goes up. It's still something that is another onus placed on business.

"I'm glad to see that we are considering a lot of other anti-poverty measures. And what I would just ask this Body to continue to do more of, is not to concede that the cost of living and the cost of doing business must remain high, so we come up with stop-gap mechanisms to cope with that, but to continue to try to earnestly tackle the root causes of a high cost of living and a high cost of doing business, rather than looking at ways to compensate for that. Thereby, conceding that those conditions will always exist. Thank you."

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

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

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

"Just a ruling on a potential conflict, Mr. Speaker. I'm a small business employer. Thank you," and the Chair ruled, "no conflict."

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

"Reservations, Mr. Speaker. And I hope, I know this is Second Reading, and I hope I don't have to vote on this particular bill again, Mr. Speaker. So I'm not going to make any other comments other than, hopefully it dies in the next committee. Thank you."

Representative Ito 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 Thielen 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 the remarks of Representative Johanson be

entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

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

"Mr. Speaker, in opposition, and I hope that this House will use the bill that is in conference at this point in time."

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

"Mr. Speaker, I'll rise in support with reservations. I think the Members who have spoken before kind of brought to bear some of the concerns with the CPI, automatic adjustment for the CPI, the incremental increase, and then the elimination of the tip credit which is now at \$0.25. Speaker Emeritus alluded to a bill that's in conference right now, that would actually increase the tip credit, which hasn't been raised, I think, for maybe 20 or 25 years, or something like that. But it's been a long time.

"So, I think those are the concerns that we have. The fact that it's not in anyone's Majority package or Minority package is of concern to me. I don't know how much of a priority this measure is to this Body or the other Chamber, but I do hope we come and end the session with some kind of minimum wage. I think it's long in coming. The last time we did this was back in 2005, Mr. Speaker. I think you might recall that. We let the minimum wage go up to \$7.25 over three years. So from 2005, 2006, and 2007 it went up by, basically to \$7.25, where it has been for the last six and a half, seven years.

"So I hope we can get this minimum wage bill out. It's very important for many people, many of my constituents. It's the right thing to do. Maybe some adjustment on the CPI, and maybe some adjustment on the tip credit might bring all the parties together. So, I hope this bill gets out and we have a chance to vote on a final bill with concurrence from the Senate. Thank you."

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

"Mr. Speaker, in support. I just wanted to point out that there are a number of states that don't have any tip credit at all and some of them are the highest minimum wage states in the country. Oregon and Washington, for example, have no tip credit. The concerns about the CPI, I would welcome the CPI just so we don't have to have this debate every five years. It would basically take the issue off the table permanently and provide a fair wage, assuming that we've picked the right number now, it will provide a fair wage far into the future. Thanks."

Representative Fale rose in opposition to the measure and asked that the remarks of Representatives Say and Oshiro 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 H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance, with Representatives Fale, McDermott and Say voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 440-14) recommending that H.B. No. 2011 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. 2011 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Strong support, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. I'd like to stand in strong support of this measure. I ask for permission to submit written comments into the Journal. Thank you."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2011. Among other things, this bill would authorize the issuance of revenue bonds for the purchase of certain agricultural lands situated near Wahiawa, Central Oahu.

"The Trust for Public Land (TPL) is currently working with one of the largest renewable energy companies in the world to purchase nearly 20,000 acres of land owned by Dole Foods LLC in the North Shore of Oahu, extending to Wahiawa, Central Oahu, and adjacent to recently purchased lands formerly owned by the Galbraith Estate. These lands include prime agricultural land, watershed lands that produce our drinking water, lands that are the scenic gateway to the North Shore, and lands that are important habitat for dozens of endangered and threatened plant and animal species.

"It is anticipated that it will take between three to five years to raise funds to purchase the lands. The renewable energy company does not yet have a contract nor a deal with Dole, but hopes to have a tentative deal or letter of intent with Dole before the end of this Legislative Session.

"Using the conveyance of the Galbraith Estate to the state last year as its model, TPL is working with the Agribusiness Development Corporation (ADC) and the Department of Land and Natural Resources to raise other sources of funding so that the burden is not entirely on the state. Purchasing this parcel will be a complex and difficult transaction, but this bill will provide ADC with the regulatory and fiscal flexibility to achieve the goal of conserving all of these very important lands.

"For these reasons, I strongly urge your favorable consideration of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2011, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 441-14) recommending that H.B. No. 2203, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2203, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Second Reading and was referred jointly to the Committee on Energy & Environmental Protection and the Committee on Water & Land, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 442-14) recommending that H.B. No. 2179, 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. 2179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOWER HAMAKUA DITCH," passed Second Reading and was referred

to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 443-14) recommending that H.B. No. 2178, 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. 2178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 444-14) recommending that H.B. No. 2361, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2361, HD 1 pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. In strong support and I would like to have permission to enter written comments into the Journal."

Representative McKelvey's written remarks are as follows:

"Hawaii-grown coffee is known worldwide for its high quality and aromatic flavor. The coffee not only evokes a sense of place to the travelers that taste it, the coffee also is held to a set of high quality standards, which makes it one of the most expensive coffees in the world.

"For the farmers, it's about truth-in-labeling and protecting the integrity of the fifth most valuable agricultural commodity in the state. Hawaii is the only place in the United States where coffee is grown. It is in the best interest of the state to protect the perception of the quality of Hawaii's coffee from being diluted by counterfeit coffee of lesser quality.

"Stricter enforcement on the labeling restrictions based on the quality of the coffee being sold is critical to prevent counterfeiting of Hawaii's recognized high quality coffee. Moreover, the criminal penalties for false labeling should apply not only to cherry, parchment, and green coffee, but also to roasted coffee.

"For these aforementioned reasons, I strongly support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2361, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 445-14) recommending that H.B. No. 2646, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A SCHOOL FARM COMPLEX," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 446-14) recommending that H.B. No. 2394 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. 2394, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 447-14) recommending that H.B. No. 1990 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. 1990, entitled: "A BILL FOR AN ACT RELATING TO HAWAII GOOD AGRICULTURAL PRACTICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 448-14) recommending that H.B. No. 2469, 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. 2469, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 449-14) recommending that H.B. No. 2466, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Housing, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 450-14) recommending that H.B. No. 1808, 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. 1808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 451-14) recommending that H.B. No. 1596, 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. 1596, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LITERACY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 452-14) recommending that H.B.

No. 2163, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2163, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

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

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

"In support, Mr. Speaker, and I would like to say a few comments. Parenting has always been and will always be an intensive activity. People get married to have children and raise them, with both a mother and a father, because it gives children the healthiest and best environment for their development. Divorce doesn't change the benefit of having both a mother and father, and two parents parenting is consistently better than either one parent.

"In order for parents to effectively parent, they also need to have adequate time with their children. This is the difference between scientific research and advocacy. Unfortunately, it has taken 40 years of research to discover something that should have been obvious. What advantage do you give a child by effectively removing a parent? Children raised without both parents are far more likely to get involved in drugs, truancy, drop out of school, suffer from depression, and get involved in early sexual promiscuous behavior. And at the end of the day, children love both parents and want to spend time with both.

"In regards to the bill, Mr. Speaker, all the bill is asking for, that not unless there is clear, convincing evidence that both parents cannot be involved, that both parents should be. Clear, convincing evidence otherwise. I'm happy that we are here discussing this matter, because as a matter of fact, whether we like it or not, 53 percent of all marriages end up in divorce. And that effects the very core outcome of our citizens. That is the value of our parenting. Thank you, 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 to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict. I'm one parent, who is a single parent, of two children," and the Chair ruled, "no conflict."

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

"I am in strong reservations of this bill. Thank you."

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Still with reservations. I would just direct the Members to please look at the committee report. Specifically, in cases where the custody of a minor child is disputed, the language that was in fact deleted. I think that goes against what was just purported. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PARITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 453-14) recommending that H.B. No. 1504, 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. 1504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 454-14) recommending that H.B. No. 2429, 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. 2429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 455-14) recommending that H.B. No. 2478, 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. 2478, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 456-14) recommending that H.B. No. 1981, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1981, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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 Hanohano 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. 1981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A BASIC BILL OF RIGHTS FOR VICTIMS AND WITNESSES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 457-14) recommending that H.B. No. 1651 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. 1651 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

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

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

"Mr. Speaker, a no vote and one comment. This is potentially one of the biggest tax increases that the people of Hawaii, the consumers of Hawaii, the internet shoppers of Hawaii. All those people who try to make a living in Hawaii, one of the lowest wage states, highest taxed states in the nation. This is going to take away from their subsistence. I know the state always needs money, but we never have enough money. So this is just another way of grabbing at the families of Hawaii that need their own money. Thank you, Mr. Speaker. For those reasons, no."

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

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

"Thank you, in strong support. This is a bill that I've been putting in many, many times. What it does is, it collects taxes on the people who sell products into our state, via mail order or internet. This is not a tax increase. It never was, it never will be. They're paying taxes that they're supposed to have been paying. So I don't see how this can be portrayed as a tax increase. And I'm going to save the rest of my comments when I debate my good friend from Hawaii Kai on Third Reading. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, because it's Valentine's Day and some people have roses on their desk, I'll say, a rose by any other name is still a rose. Thank you, Mr. Speaker."

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

"Mr. Speaker, very strong, strong support and I wish to incorporate the words of the Representative from Manoa, except for the part of debating the Minority Leader Emeritus that we have sitting across me. Thank you," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, same request, may I adopt the words of the Representative from Manoa. Also, I just wanted to reiterate my support on behalf of the small business community and the Chamber of Commerce. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In support, and I would also like to echo the comments that this bill really is about leveling the playing field for our local small businesses. So, I think it's a good measure and look forward to the debate."

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

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

Representative Fale's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 1651, a measure that creates an Internet sales tax in the State of Hawaii. Mr. Speaker, it is my belief that a new tax such as this will drive up the cost of living in Hawaii and that Hawaii will become a more expensive place to live for everyone.

"It should be noted that the State of Hawaii Department of Taxation testified to the House Committee on the Judiciary that: 'H.B. 1651 is unnecessary at this time because there is a question as to whether such statutes are allowable under Federal law.'

"For these reasons Mr. Speaker, I rise in opposition to HB 1651."

Representative Matsumoto rose, stating:

"Sorry, could I change my vote to opposition, please? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1651, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fale, Fukumoto, Johanson, Matsumoto, McDermott, Thielen and Ward voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 458-14) recommending that H.B. No. 1741 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. 1741, entitled: "A BILL FOR AN ACT RELATING TO COUNTY INFRASTRUCTURE CAPACITY BUILDING CONSTRUCTION FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 459-14) recommending that H.B. No. 1993 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. 1993, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 460-14) recommending that H.B. No. 948, HD 1, as amended in HD 2, 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. 948, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT FOR INMATES AND DETAINEES IN CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 461-14) recommending that H.B. No. 1647, 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. 1647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," passed

Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 462-14) recommending that H.B. No. 2167, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2167, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

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

"Mr. Speaker, a no vote and a brief comment. Mr. Speaker, this makes raising property taxes of the counties a self-fulfilling prophecy, because they are going to borrow against it, and therefore if they don't reach it they cannot amortize their loans. So those who think that this is going to be good is basically saying that it's increasing the residents in our districts, their property taxes, with an inevitable increase. Not because of recessions or because of booms. It's going to say, 'we borrowed against these, therefore we have to increase our property taxes.' This is not wise policy-making. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2167, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE HAWAII CONSTITUTION TO AUTHORIZE THE COUNTIES TO ISSUE TAX INCREMENT BONDS AND TO EXCLUDE TAX INCREMENT BONDS FROM DETERMINATIONS OF THE FUNDED DEBT OF THE COUNTIES," passed Second Reading and was referred to the Committee on Finance, with Representatives McDermott, Thielen and Ward voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 463-14) recommending that H.B. No. 2309, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2309, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

"Mr. Speaker, no vote with a comment. Mr. Speaker, the easiest business to get into are bars, restaurants, and I think it's cosmetologists. They're easy to get into, and they're the quickest to fail. This puts the price of going into a restaurant and the fines that you would receive, if you broke some of the Department of Health laws, up to \$3,000. That's excessive.

"For the mom and poppers out there, this is really a small business issue. These other ones that were mentioned earlier, they're not the small, small. These are the small, small guys. And this is going to hurt them. It's going to go a 200 percent increase from a \$1,000 fine, potentially up to at least

\$3,000. So, for those reasons, Mr. Speaker, this is really for the small business person."

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

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

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

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

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

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

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

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

"Thank you, Mr. Speaker. In support. I just want to point out that the Department of Health had actually asked for an increase to \$10,000, and we declined to do that at the Judiciary Committee. We increased it simply by the rate of the inflation since the last time the number was set. It hadn't been reset since 1980. So, \$3,000 is approximately the increase. \$3,000 is basically keeping it the same as it was in 1980. Thank you."

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

"Mr. Speaker, in support. Just brief comments. First of all, I wanted to thank the chair. We had extensive debate in the hearing on this measure. Really, what it came down to was the Department of Health recognizing. And actually, they said, 'look at the facts, we have not actually assessed any businesses.' They actually give any restaurant or business that is in violation a chance to cure the breach. And so, really, the issue was some of these big players, these bad actors, that the \$1,000 fine was not in fact enough of a disincentive. So, all they asked for was the increase up to \$10,000, so they could in fact dangle it as a serious carrot, that these violations are very real.

"Many comments came up regarding the small business owners, and the fact that if you were to assess them \$10,000, they would not be able to pay that amount and would therefore be put out of business. So, Director Gill basically said, 'look at the facts, look back at our history. We have never in fact fined anyone unless it was absolutely egregious.' And then there was some talk about, that a small mom-and-pop could still commit the same violations. So, we had a lot of discussion.

"I am in support of this bill, but I do have reservations, but I will vote in support of the bill, because I know the chair worked very hard on this. My only concern is tying it to the CPI. I know he did that fairly, the \$1,000 to the \$3,000, because it was tied to the CPI. But I do think that this is something that we need to continue discussing. And to automatically tie it to the CPI in the future, I think takes it out of the hands of the Legislature. Again, if this is not a violation that's absolutely needed, then why would we automatically tie it to the CPI. But for those reasons, I'm in support. Thank you very much, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, also in opposition. I would remind this Body that we aren't the Executive Branch, we are not the servants of them. We are the Legislative Branch. We are to keep accountable the Executive Branch. We are not to serve the Executive Branch, we are here to serve our constituents. Those mom and poppers, those residents, those citizens who

participate. But if we're just here to implement the Executive Branch, I don't think we're doing our duties.

"So what I hear of the reasons why we're doing this is because the Executive Branch said so. Well, our job is to keep them accountable. Our job is to keep the policy level that guides them to be sound. So to say that because they said so is why we should do it, I don't think that's a valid reason. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2309, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES," was referred to the Committee on Finance, with Representatives Fale, McDermott and Ward voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 464-14) recommending that H.B. No. 2490, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2490, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Thielen 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. 2490, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 465-14) recommending that H.B. No. 1714, 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. 1714, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE CHANGE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 466-14) recommending that H.B. No. 2029, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2029, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

"Mr. Speaker, ruling on a potential conflict. And may this conflict ruling be a blanket for the whole session? I sit on a homeowner association," 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 H.B. No. 2029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY STAR PRODUCTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 467-14)

recommending that H.B. No. 2619, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2619, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

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

"Mr. Speaker, I need to disclose a potential conflict of interest. I hold some shares of interest in the Hawaiian Electric Company," and the Chair ruled, "no conflict."

Representative Oshiro then 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 Jordan rose to disclose a potential conflict of interest, stating:

"I'd like to declare a conflict of interest. I do own shares in Hawaiian Electric. Thank you very much, Mr. Speaker," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker, a ruling on a conflict of interest? I also own shares in Hawaiian Electric. 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 H.B. No. 2619, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY STORAGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representatives Lee and Wooley, for the Committee on Energy & Environmental Protection and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 468-14) recommending that H.B. No. 1938 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 Committees was adopted and H.B. No. 1938, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 469-14) recommending that H.B. No. 1939, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1939, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

"Mr. Speaker, I need to disclose a potential conflict of interest. I own some shares of stock in Hawaiian Electric Company. Thank you very much," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker, a no vote. Only because we don't know what the world will look like in 40 years. Thank you."

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

"Mr. Speaker, still with strong reservations in regards to this bill. There were some changes that were made to the bill, Mr. Speaker, but my biggest concern in regards to this measure was the fact that none of the communities that are going to be directly impacted by the renewable energy effort have been consulted in the process of putting these efforts forward.

"As you may know, Mr. Speaker, the nation of Great Britain has banned any further use of windmills in their country because of the impact that the windmills have had.

"Out on my side of the community, Mr. Speaker, the residents there are extremely frustrated that these enormous machines have been put in without the community being consulted prior to that. And that was because of decisions that were made 10 or 15 years ago. And we know that the Governor is walking down the path of purchasing 20,000 acres of land, Mr. Speaker, to also put windmills in central and north Oahu. And that is a very great concern, Mr. Speaker. We need to make sure that communities that are directly impacted are consulted, long before we make any commitments to any of these efforts, Mr. Speaker. For those reasons, I have very, very strong reservations."

Representative Hanohano 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 Fale be entered into the Journal as her 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 H.B. No. 1939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 470-14) recommending that H.B. No. 1543, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1543, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

"Mr. Speaker, I need to disclose a potential conflict of interest. I do own some shares of stock in Hawaiian Electric Company," and the Chair ruled, "no conflict."

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

Representative Hanohano 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1543, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 471-14) recommending that H.B. No. 2522, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2522, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Cabanilla.

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

"Requesting a ruling on a potential conflict. I have a son that may qualify under the merits of this bill. Thank you very much," 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 H.B. No. 2522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 472-14) recommending that H.B. No. 2093 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. 2093, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 473-14) recommending that H.B. No. 2094, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2094, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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. 2094, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 474-14) recommending that H.B. No. 2131, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2131, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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 Hanohano 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. 2131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 475-14) recommending that H.B. No. 2213, 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. 2213, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A WEST MAUI HOSPITAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 476-14) recommending that H.B. No. 2277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2277, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE TRANSFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 477-14) recommending that H.B. No. 2316, 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. 2316, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 478-14) recommending that H.B. No. 2315, 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. 2315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 479-14) recommending that H.B. No. 2262, 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. 2262, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 480-14) recommending that H.B. No. 2400 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. 2400, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY BENEFITS," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 481-14) recommending that H.B. No. 2355, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2355, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative McDermott rose and asked that the Clerk record a no vote 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 Fale 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. 2355, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 482-14) recommending that H.B. No. 1943, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1943, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Mr. Speaker, I need to disclose a potential conflict of interest. I own shares of stock in Hawaiian Electric Company," and the Chair ruled, "no conflict."

Representative Oshiro then 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 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. 1943, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MODERNIZATION OF THE HAWAII ELECTRIC SYSTEM," was referred to the Committee on Finance, with Representative Fale voting no, and with Representatives Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 483-14) recommending that H.B. No. 2525, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2525, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

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

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

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

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

"Thank you, Mr. Speaker. I will be voting with reservations. Just for the edification of membership, I think the concern that was raised by the insurance commissioner in restricting the calculation of the rates for individual plans, group plans of 50 or more with what they refer to as community rating, may have an adverse effect upon certain age groups and

populations. I think that's the concern. Other than that, it looks okay. But I think that's the main objection in this current draft.

"I do appreciate the work of the Health Chair. I know what she's trying to do with a series of bills relating to the connector, and it's not an easy job to do. But I just wanted to highlight that particular question at this point in time raised by the insurance commissioner. Thank you, Mr. Speaker."

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

"Mr. Speaker, please note my reservations. Please note that my reservation is regarding the community rating, that one of the pools of risk that cannot be used to determine rates would be tobacco use. I think because tobacco use is a voluntary issue and has been proven to be linked to cancer, the people choose to do that and they should also choose to pay a higher premium rate than those that are worried about their health. Thank you."

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

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

"Thank you, Mr. Speaker. Ruling on a potential conflict. I am a broker of health insurance. Thank you. Can this apply to the whole session? Thank you."

The Chair addressed Representative Takai, stating:

"No conflict. Yes. Thank you very much, Representative."

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

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

"Thank you, Mr. Speaker. In support. I just want to acknowledge the comments that were received, because this is a tricky issue, and it's more about trying to keep a vehicle in play. But, it's also to address something that is occurring, which is why I put the numbers for the connector enrollment into the committee report. And I'd like everybody to look at this, particularly small business people.

"This session, it wasn't like we were sitting there going, 'hey, let's look at the community rating age banding.' It was because the businesses and the professionals who work with them had serious concerns. Concerns that a collision between our Prepaid Health Care Act and age banding could be occurring. Specifically, when the rate increase happens for those older workers, Mr. Speaker, of which many are in our small businesses. A lot of employers faced with these costs are looking to perhaps move people down to 19 hours or less, which caused a concern that these individuals would then go to the connector, thereby disproportionately increasing the risk pool of these older individuals when the whole intent of the connector was to attract the uninsured 'immortals'. Which you can see by the numbers isn't happening.

"So, given that this trend is occurring, and given the concern from the business community, we wanted to put into play a couple of vehicles to look at both the age banding issue, as well as community rating. So we'll continue to work hard on this issue, and in the end, if it is in the best interest of the people of Hawaii not to move forward, and particularly if we get these federal exemptions, we won't need to move forward.

"But I think to not acknowledge this issue and have this discussion would be not able to fully include all of the businesses, many of whom have older employees. And this does affect them. Thank you very much."

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

"Mr. Speaker, I wish to state I have a potential conflict of interest. I'm of the age where I would be affected by this insurance," and the Chair ruled, "no conflict."

Representative Souki continued 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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2525, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATES," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 484-14) recommending that H.B. No. 2174, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2174, HD 2 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, 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 Say rose to respond, stating:

"Mr. Speaker, may I just say a few words why I am with reservations at this point. Mr. Speaker, as a small businessman, with this increase in this mandated benefit, it is going to increase the cost to my healthcare insurance premium, and I think the Members of this House should realize it. From the ObamaCare passage, it has increased the healthcare premiums by 3 to 4 percent. With this particular measure it may increase it by 4 to 5 percent given by the testimony by the Chamber of Commerce. And with the support with reservations on the minimum wage that was before us, it really cumulatively may impact a lot of small businesses today. That is why I am going with reservations, even though I do support some coverage for autism.

"If there could be a trade-off in the benefit package that is presented to all of us, that would be great. Meaning, for this autistic mandated benefit, you can give up this particular mandated benefit. In closing, the Members of this House would have to realize this. We are all employers. We pay for the healthcare insurance premiums of our workers and yourselves. So if this mandated benefit increases the employer's contribution for both employee and employer, I just wanted the Members of the House to be aware of the costs. So thank you very much for why I'm with reservations at this point."

Representative Fale rose in support of the measure with reservations and asked that the remarks of Representative Say 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 H.B. No. 2174, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Cachola, Carroll and Takumi being excused.

At 1:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 485-14) recommending that H.B. No. 2618, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2618, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

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

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

"Mr. Speaker, strong support. The mantra of my office is, 'solar on every roof'. This bill gets closer to that because it's promoting storage, i.e. batteries. The vision is to do for the electrical industry what the computers did in the 80s with the computers. Instead of mainframes, Mr. Speaker, they went into PCs.

"What we've got now is the old dinosaur of the huge power plants. In the long run, the vision is that they are backup generators, not primary producers. The producers are all of us. We're in micro-grids. And this bill gets to that. It gives an incentive, which is probably why my colleague from Manoa doesn't like it. But this is the future. This is taking the mainframe and saying, 'let's go to the PC.' History is in the making, and I think this bill is part of that. It's revolutionary. Thank you, Mr. Speaker."

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

Representative Fale's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 2618, HD2, a measure that 'Establishes an income tax credit for each grid-connected energy storage property that is installed and placed in service in the state during the taxable year beginning after December 31, 2014.'

"My concern is that this measure primarily benefits property owners who will receive tax credits for 'each grid-connected energy storage property.' Those who are not property owners, along with property owners who do not have the financial resources, will not be able to take advantage of the tax credit in this measure.

"In addition, Mr. Speaker, it should be noted that Hermina Morita, Chair, Public Utilities Commission, testified before the House Committee on Energy & Environmental Protection that: 'The Commission cautions the Legislature in selecting one type of technology to incentivize over others.'

"For these reasons Mr. Speaker, I rise in opposition to HB 2618, HD2."

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

"Thank you, Mr. Speaker. I need to disclose a potential conflict of interest. I own some shares of stock in Hawaiian Electric Company," and the Chair ruled, "no conflict."

Representative Oshiro continued to speak in support of the measure with reservations, stating:

"I'll be entering a reservations vote on this measure. My reservations basically stem from the fact that many of the credits we've been looking at over the last several years, and in fact this session, seem to subsidize the investment of those who have the means to afford these systems at the expense of those who are not enjoying the benefit of these systems. That's the reason for my concern. But I'll wait to see the decision of the Finance Committee. Thank you very much."

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

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

"Thank you, Mr. Speaker. In support. I would just like to note that the tax credit only applies to utility-sized battery backup storage systems, or storage systems. I'm a member of KIUC. Our grid is far more modernized than the grid from HECO. So, part of the grid modernization is being able to have storage. With storage, you can have more interconnection and it ultimately could lower your rates. So, in support."

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

"Thank you very much, Mr. Speaker. In strong support. I would just like the words of the previous speaker entered into the Journal as if they were my own. Thanks," and the Chair "so ordered." (By reference only.)

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

"*Kanalua*, because I'm the only one, I'm on geothermal, and I didn't see any decrease in my electric. We have a lot of solar in the Puna area. Like the Representative from Wahiawa said, it's only those that could have afforded it in that time. Right now, people that are waiting to get it, they're not going to get all of those tax credits. So that's why I'm voting with reservations. *Mahalo*."

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

"Thank you, Mr. Speaker. In support. Just to add to the comments from the Representative from Kauai, having more storage on the grid will allow projects like solar photovoltaic on rooftops at utilities scale, geothermal and other things to be able to create a diversified grid which would allow more savings and more flexibility in the grid, so that homeowners can take advantage of this, save money. I'd just like to ask for the words of the Representative from Hawaii Kai to be inserted 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 H.B. No. 2618, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY STORAGE," was referred to the Committee on Finance, with Representative Fale voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 486-14) recommending that H.B. No. 2224, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2224, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUP HOMES," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 487-14) recommending that H.B. No. 2244, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 488-14) recommending that H.B. No. 2484, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE CLASSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 489-14) recommending that H.B. No. 2052, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT," was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 490-14) recommending that H.B. No. 2332, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2332, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 491-14) recommending that H.B. No. 2497, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 492-14) recommending that H.B. No. 1961, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1961, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

Representative Ing 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 a no vote for him, and the Chair "so ordered."

Representative Thielen 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."

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

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

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

"Once more, in reservations on behalf of small businesses."

Representative Fale 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 Fale's written remarks are as follows:

"Mr. Speaker, I rise with reservations regarding HB 1961, HD2. This bill will require 'independent medical examinations and permanent impairment rating examinations for workers' compensation claims to be performed by physicians mutually agreed upon by employers and employees.'

"My concern Mr. Speaker, is that there will be a significant negative impact on business and employment in Hawaii as a result of this measure.

"Mr. Speaker, there were a number of organizations that testified before the House Committee on Consumer Protection and Commerce in opposition to the measure including: State of Hawaii Department of Human Resources Development and the General Contractors Association of Hawaii.

"For these reasons, Mr. Speaker, I rise with reservations regarding HB 1961, HD2."

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

"Thank you, Mr. Speaker. With reservations and just a brief comment. I think the chair has tried to do a very good job in mitigating what could be a problem if you have an unscrupulous employer, who is unfairly sending someone, an employee, to someone who is not a specialist. However, I do just worry that this, in trying to correct for a problem of which scope I'm unclear on, that what may end up happening is ultimately sacrificing the employer's prerogative to have a check mechanism on potentially fraudulent claims. Thank you."

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

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

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

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

"Mr. Speaker, reservations please. Hopefully people will note my frustrating comments in the committee report. Thank you."

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

"Mr. Speaker, I'm going to follow the reasoning of the chair. I'm going to vote reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1961, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance, with Representative Kawakami voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 493-14) recommending that H.B. No. 2528, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2528, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 494-14) recommending that H.B. No. 2191, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2191, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ANAERGIA INC.," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 495-14) recommending that H.B. No. 1731, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1731, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE PROCESSING OF SEWAGE INTO SEWAGE DERIVED FUEL," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Lee and Evans, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 496-14) recommending that H.B. No. 2359, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committees was adopted and H.B. No. 2359, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 497-14) recommending that H.B. No. 2357 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2357 be referred to the Committee on Finance, seconded by Representative Souki.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2357, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN KONOHIKI MANAGEMENT," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Wooley and Tsuji, for the Committee on Agriculture and the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 498-14) recommending that H.B. No. 1534, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committees was adopted and H.B. No. 1534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE INNOVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 499-14) recommending that H.B. No. 2318 be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO RECORDS FOR FORENSIC EXAMINATIONS," was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 500-14) recommending that H.B. No. 1723, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 501-14) recommending that H.B. No. 2301, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2301, HD 1 pass Second Reading and be referred to the Committee on Judiciary seconded by Representative Souki.

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 Hanohano 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 Cullen 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. 2301, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 502-14) recommending that H.B. No. 2411, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 2411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 503-14) recommending that H.B. No. 2095 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2095, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 504-14) recommending that H.B. No. 2099, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 2099, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 505-14) recommending that H.B. No. 1882, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 1882, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 506-14) recommending that H.B. No. 1880, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 1880, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 507-14) recommending that H.B. No. 1831, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 1831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 508-14) recommending that H.B. No. 2458, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 2458, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTISTRY AND DENTAL HYGIENE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 509-14) recommending that H.B. No. 2460, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 2460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 510-14) recommending that H.B. No. 2459, 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 Souki and carried, the report of the Committee was adopted and H.B. No. 2459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 511-14) recommending that H.B. No. 1776, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1776, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 512-14) recommending that H.B. No. 1777, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1777, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Takai and Belatti, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts and the Committee on Health, presented a report (Stand. Com. Rep. No. 513-14) recommending that H.B. No. 1772 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committees was adopted and H.B. No. 1772, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand.

Com. Rep. No. 514-14) recommending that H.B. No. 2593 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO URBAN ART," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 515-14) recommending that H.B. No. 1907, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1907, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 516-14) recommending that H.B. No. 1667, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1667, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

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

"Thank you, Mr. Speaker. In strong support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1667, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 517-14) recommending that H.B. No. 1564 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 518-14) recommending that H.B. No. 2072, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2072, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 519-14) recommending that H.B. No. 2148 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2148, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed

Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 520-14) recommending that H.B. No. 2483, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2483, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 521-14) recommending that H.B. No. 2581, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2581, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 522-14) recommending that H.B. No. 1726, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1726, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 523-14) recommending that H.B. No. 1999, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1999, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

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

"Mr. Speaker, just with strong reservations."

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

"Thank you, Mr. Speaker. I need to disclose a potential conflict of interest. I own shares of stock in Hawaiian Electric Company," and the Chair ruled, "no conflict."

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

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. 1999, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC UTILITIES," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 524-14) recommending that H.B. No. 1633, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1633, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 525-14) recommending that H.B. No. 2061, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2061, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FERTILITY RIGHTS OF CANCER PATIENTS," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 526-14) recommending that H.B. No. 2529, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2529, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

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

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

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

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

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

"Mr. Speaker, thank you. I'll be voting with reservations on this measure. My concern basically arises, there are several other bills dealing with the health connector, whether or not we're going to be undertaking responsibility of a currently not-for-profit private organization under the auspices of the State of Hawaii. And I think that's one of the biggest issues facing us this session.

"I think the Chair of the Health Committee has done an admirable job of moving discussion along on this issue. But it's a tough one. I think people need to pay attention to it. It's a big decision on what we do with the health

connector. How do we pay for it going forward, and where do you find the \$15 million a year to support this program. So, I think it's very important, but the reservations that I lay on right now is based upon the fee and what we would do, ultimately, with the health connector. Thank you."

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

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

"Thank you, Mr. Speaker. Mr. Speaker, with reservations. May I please have the words of my colleague from Wahiawa entered into the Journal as my own. And I want to thank the Chair of CPC, because this has been a really tough issue and he did a really good job amending this bill. Thank you," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, in support. I will reserve most of my comments for Third Reading, but I hope the people will look at what we are doing in this latest version of the bill. Particularly, our outreach to the private sector and to small businesses, like Colorado has done, Mr. Speaker. As well as providing a mechanism for zero-based budgeting for the connector to reveal what exactly, how many dollars they need. And also to present a revenue picture to this legislative oversight committee, just like Colorado has.

"The insurance commissioner would then go ahead and take this information. And if needed, and this is a big departure from the discussion that's happening elsewhere, because this federally mandated, and I will repeat that word a million times this session, this federally mandated sustainability fee, in this latest draft, we have made discretionary, Mr. Speaker. We've put in strong transparency and oversight on there, and we provide a mechanism whereby this connector can still remain a not-for-profit business entity.

"However, with this instrumentality of the state language, we are hopeful that they can facilitate the working relationship with the state agencies, which has so far been hampered by attorney general rulings. But I appreciate the comments of everybody on the Floor and will continue to work with you to address them, so that hopefully we will have a bill that will reflect everybody's positions. That the community has a connector, if we're forced to have it for the next two years, will do what it's supposed to do, and not cost money, and not be this cloud of mystique, which has baffled everybody, including yours truly. Thank you very much."

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

"Thank you, Mr. Speaker. In support with a few remarks. I do want to thank the Chair of the Consumer Protection Committee. This really is a work in progress as we stated, as this has moved along. I do want to point out to the Members and emphasize and echo what the previous speaker said, that this bill has already changed dramatically.

"In the first iteration of this bill we did have the health connector becoming a state agency, but after further conferencing with more of the stakeholders involved, including the Attorney General's office. This has now morphed into keeping the health connector as a not-for-profit, but bringing, as the previous speaker said, more transparency, accountability and sustainability to the organization.

"I would just like to remind Members that we cannot afford to lose the health connector, because our only option then would be to place those folks who are going to the health connector onto the federal exchange, which may not be equipped to handle our specific needs under the Prepaid Health Care Act. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2529, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative McDermott voting no, and with

Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 527-14) recommending that H.B. No. 1889, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1889, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

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. 1889, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A HOMELESS PERSON'S BILL OF RIGHTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 528-14) recommending that H.B. No. 1983, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1983, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Souki.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 529-14) recommending that H.B. No. 2395, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2395, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Souki.

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

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. 2395, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 530-14) recommending that H.B. No. 2116, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2116, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Souki.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR JUVENILE OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 531-14) recommending that H.B. No. 2115, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2115, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 532-14) recommending that H.B. No. 2649, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2649, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

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

"Mr. Speaker, I'll be voting with reservations at this time on this measure. The concern I have is that it might actually take us several steps back on the protections that are currently in statute. Thank you."

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

Representative Belatti rose and asked that the Clerk record a no vote for her, 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 Fale 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. 2649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Finance, with Representative Belatti voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 533-14) recommending that H.B. No. 2371, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2371, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 534-14) recommending that H.B. No. 2591, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2591, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Souki.

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

Representative Hanohano 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 Fale 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. 2591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 535-14) recommending that H.B. No. 1730, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1730, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

Representative Thielen 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. 1730, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PACIFIC POWER GROUP, LLC, A UTILITY SERVING THE GENERAL PUBLIC IN PROVIDING ELECTRIC ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Lee and Evans, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 536-14) recommending that H.B. No. 2639, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committees was adopted and H.B. No. 2639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 537-14) recommending that H.B. No. 2590, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2590, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

Representative Johanson 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. 2590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 538-14) recommending that H.B. No. 2182, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2182, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2182, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO JUSTICE," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 539-14) recommending that H.B. No. 2363, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2363, HD 2 be referred to the Committee on Finance, seconded by Representative Souki.

Representative Thielen rose and asked that the Clerk record a no vote 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 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. 2363, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance, with Representative Thielen voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 540-14) recommending that H.B. No. 2533, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2533, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

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

"Mr. Speaker, in strong support, just brief comments. In lieu of the fact that we do have a surplus, it's my sincere hope that the next committee looks at amending this bill to increase all of the other offices that could be included. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I'm looking at this description here of the bill. It creates a public funding program of candidates for the offices of State Representatives. I think a request to rule on a potential conflict of interest might be at hand. I'm a current Representative. I might be entitled to the benefits as set forward in this measure, should it become law," and the Chair ruled, "no conflict."

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

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

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

"Just with reservations, as it moves along."

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

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

"Mr. Speaker, with reservations. And with the hope that, as this measure progresses, that we insist upon an evaluative study or at least an analysis of what we did when we publicly funded the elections on the Big Island. We need to have some data and some foundation to stand on as we went through this process, instead of making it up as we go. I think what we did was fund it, and there's data, but it hasn't been analyzed or at least I haven't seen anything that's been produced. So with that Mr. Speaker, let's follow it as it goes."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2533, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Hanohano voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 541-14) recommending that H.B. No. 2442, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2442, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE

CONTRACTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 542-14) recommending that H.B. No. 2629, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 2629, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

"Mr. Speaker, may I have a no vote on this measure? I actually believe that what this particular measure is doing is watering down present legislation that has really designated important ag lands for the people in the State of Hawaii and future generations. You are now allowing permissible uses in IAL, important ag lands. That's the reason why I am voting no at this point in time."

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

"*Kako'o 'ole*. In opposition. *Makemake au ka ha'i 'ōlelo no ka luna maka'āinana mai* Palolo Valley. *Mahalo*. And I would like the words of my colleague from Palolo Valley. *Mahalo*," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. Please note my reservations. May I please have the words of the Speaker Emeritus entered into the Journal as if they were my own, and just one brief comment. While the permitted uses may seem innocuous, the fact of the matter is that we worked on important agricultural lands for quite some time, this Legislature did. Once you start opening up, it creates a very slippery slope, and now all of a sudden everybody else can get in, and there goes, you defeated the entire purpose for IAL. For those reasons, I stand with reservations. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed

Second Reading and was referred to the Committee on Finance, with Representatives Hanohano and Say voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 543-14) recommending that H.B. No. 1728, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1728, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 544-14) recommending that H.B. No. 1863, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1863, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

"Mr. Speaker, may I have a ruling on a potential conflict first? My son, who works for Island Insurance as a claims adjuster, is one of those who have applied for the 801 South King Street, and the parent company, Island Insurance, is the parent company of Trade Winds LLC, which is the financier of this workforce housing. May I also make a request that for all other Hawaii Community Development Authority measures before this Body, that the ruling that you have just stated, that there is 'no conflict', will follow through the whole session."

The Chair addressed Representative Say, stating:

"No conflict. That will be the ruling so long as there are no direct contractual negotiations by you with the company that relates to a bill before us. Direct contractual negotiations."

Representative Say: "I have no communication with the company, it's just that my son is an applicant."

Vice Speaker Mizuno: "Therefore, in that case, the ruling will probably stand throughout the entire session."

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

"Thank you. Mr. Speaker, at this time on Stand Com. Report Number 544-14, House Bill Number 1863, House Draft 1, my opposition is primarily with this current draft, because there is an attorney general's statement that on this particular measure in regards to lawsuits, the bill authorizes 'any person acting as a private attorney general' to commence a civil lawsuit against HCDA if HCDA fails to perform any act or duty required under Part II of Chapter 206E, Hawaii Revised Statutes.

"This provision is unnecessary. A means of redress already exists. A person aggrieved by an action or decision of HCDA may seek declaratory judgment pursuant to Chapter 632, Hawaii Revised Statutes. In addition, Members of the House, the provision that 'any person', any person may bring suit, is too broad. Standings should only be conferred on those persons who are actually aggrieved or by an action or decision of HCDA. I would like to submit this for the record in my opposition to this measure. Thank you very much."

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

"Mr. Speaker, with very, very strong reservations. And may I have the words of the Speaker Emeritus adopted as my own," and the Chair "so ordered." (By reference only.)

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

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

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

"Mr. Speaker, I'll be voting against this measure. I'd also like to have the record reflect the words of the Speaker Emeritus. I think his commentary from the attorney general's comment upon the draft and what this means to create a private right of action. Our great colleague, the former Majority Leader, would always say, 'read the bill.'"

"Since it's any person, and that's a very broad description, who can bring a cause of action as a private attorney general. Those who may not practice or be familiar with the private attorney general concept, it basically means that a private party becomes, steps into the shoe of the attorney general to bring enforcement under law, under code, as if that person and that party was representing the State of Hawaii as an attorney general. It also means that they will be compensated, there might be some fees and costs that might be incurred in the litigation that might go to those parties as maybe they should be.

"My concern is that this could create unnecessary litigation. Add to the cost of state taxpayers. Unnecessarily burden a project in place or a proceeding in place. Actually abridge some of the rights of the current participants who are going through the current process in disputing the actions of the Hawaii Community Development Authority.

"So I think this measure right here is unnecessary right now. I think there is a remedy available. And I think it could expose the state taxpayers to unnecessary expense and costs."

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

"Also, Mr. Speaker, I'd like to ask for a potential ruling of conflict of interest. If this measure is passed as written, it might give us opportunities to be counsel or take these types of cases and receive compensation from them. Thank you very much," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. May I request a ruling on a potential conflict? I am an attorney and I do conduct a business in land use and real estate development litigation. Therefore, I agree, if this law were to pass, I would actually get a lot more business, so for those reasons, I'd like to request a ruling on a potential conflict," and the Chair ruled, "no conflict."

Representative Har continued in opposition to the measure and asked that the remarks of Representative Say be entered into the Journal as her own, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hanohano, Har, Oshiro and Say voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 545-14) recommending that H.B. No. 1865,

as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1865, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

"Mr. Speaker, in strong support of having the legislative auditor do a fiscal and management audit of the authority. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1865, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 546-14) recommending that H.B. No. 1867, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1867, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

Representative Say's written remarks are as follows:

"Aloha Mr. Speaker, I rise in opposition to H.B. 1867, HD 1 which hampers the continual development of the HCDA district. To legislate the technical aspects of any development will tie the hands of the authority. As an example:

- 1) Building proximity
- 2) Height limitation
- 3) Mauka/Makai orientation restrictions
- 4) Infrastructure review procedures for development application
- 5) Taking away the flexibility for the Authority granting 'Variances'; 'Exemptions'; and Modifications for building maximum floor area ratios.

"I might consider establishing methods to ensure that the agency fairly and efficiently incorporate public engagement and participation in the review procedures, but I am uncomfortable in having this Body micro-manage the technical matter relating to the above examples, and assuming that development rules shall follow the 'one-size-fits-all rule' is ridiculous.

"For all intents and purposes, the HCDA is following the law that it was set up to do. They are building the Kakaako that the community past and present and future generations want and need. And so the Legislature should not try to insert itself into the situation, since we the Legislature is ill-equipped in understanding all that it takes to develop smart growth. Please consider carefully what you really want for Kakaako and the County of Oahu when ill-conceived measures such as H.B. 1867, HD 1 moves forward. Thank you very much for your time.

"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."

Representative Hanohano rose and asked that the Clerk record a no vote 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."

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

"Mr. Speaker, very strong reservations."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, 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 Belatti rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support, and if I might make some remarks, please? Mr. Speaker, over the course of the last few months, as a Representative of the neighboring district to Kakaako, community members in my district have raised very, very serious concerns about the pace with which development and approvals and exemptions are being granted in the Kakaako development. We have had numerous hearings over the summer. We have tried to get information from the relevant state agencies, and we have not as a community received enough information as to whether or not there is sufficient sewer capacity, traffic studies, school infrastructure, parks. And I'll note, not noted in this bill, even any indication if we have the health capacity, the health infrastructure to deal with the 30,000 new residents that they're expecting in the Kakaako area.

"I support the efforts in this measure and look forward to this moving forward. I think that for the residents of the urban core, this is a serious issue. The Representatives of the district have done their due diligence in trying to get the correct answers and have not been satisfied with the incomplete answers we have been given at this point. Thank you, Mr. Speaker."

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

"With reservations and a few brief remarks. I do recognize, a lot of the provisions in this bill, I do support. But I just have some concerns about the specifics for building proximity, height and orientation. I think that it's a dangerous road to go down for the Legislature to start micromanaging planning, and that it might not result in the best projects going forward. Thank you."

Representative Say rose to respond, stating:

"Mr. Speaker and Members of this House, still in opposition, but let me start off by saying this. I am respectful for the sponsor of these measures in vetting this particular issue. For those who spent the seven hours, thank you very much, the chair from West Hawaii. For those who stayed all the way through, thank you very much in learning about the authority.

"It was 37 years ago, this authority was created, when there was a tiff between Mayor Frank Fasi and Governor Ariyoshi to determine who was going to redevelop the Kakaako area, which was a very blighted area. Floods, *et cetera, et cetera*. But more importantly, for those who were not on Earth at that time, or born, it was a dump. It was a county municipal landfill, that this Body, after 37 years, has rejuvenated it, redeveloped it to its potential.

"Yes, there may be critics out there saying the infrastructure is not compliant or the infrastructure is not up-to-date. I disagree with you, those naysayers. You, in this Body, appropriated over \$250 million in capital improvement, General Obligation bonds. You, this Body, put in the sewer

lines, the water lines, the electric conduits, so that we, as a Body, 37 years ago had that vision of redeveloping Kakaako.

"I am one that is not very happy, and I've shared this with a lot of Members. From Atkinson to Ward, I don't like that retail commercial, Mr. Speaker, on Ala Moana Boulevard. But it is progress. I respect the tenants who came out on Saturday, 200 plus. But more importantly, didn't they know, if they had a vacant parcel in front of them and a vacant parcel in the back of them, that someday in the future these condominiums or apartments would be built. And that's where I've stated for the record, I am proud. Why? You're going to have 4,000 more units of rentals. I was privileged, for the Members of this House, to visit the Halekauwila project, which is a rental project."

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

Representative Say continued, stating:

"Thank you very much. For 215 units, rentals, based on the area medium income. But, if you saw the classified ads for a three bedroom apartment at \$1,300 a month, I consider that very reasonable. For a two bedroom, \$750-\$800 a month, that is very, very reasonable. These are the people I am fighting for, Mr. Speaker. Those who don't have the voice now because they don't know if they're going to qualify or not. These are the people from the Leeward Coast, Central Oahu, who want to move into town if they have a job here, where you can lower the carbon monoxide by having less cars on the road. These are the people, the younger generation. I have an email from a young lady, who said that she qualified for that 801 at 28 years old for a one bedroom unit.

"My point to you this afternoon, Mr. Speaker. Where are we, as a Legislative Body, going to create or build more homes? I've said on this Floor for the past six years that this Body has tried its best in increasing the number of units by having a bill increasing the set-aside of 30 percent of all units that a developer builds. That particular measure has always died in the other Chamber. And I can respect their decision.

"My point to you and the Members of this Body, are we catching up with the housing situation that has exasperated a lot of our local residents? Meaning, the millennial generation. I truly hope this Body will consider, because it is a big issue, that we try to support the other agencies that are building homes. The Department of Hawaiian Home Lands, the Housing Finance Development Corporation, OHA, and other state agencies."

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

Representative Say continued, stating:

"I think we all recognize that it is a crisis throughout the state. Maui County, my fellow colleagues, I recall that the city council made it 50/50. 50 percent market, 50 percent residential. And they didn't get anywhere. But today we have an opportunity, because this authority has extracted over 4,000 units from these particular projects that were approved last year in their development plans.

"As some of my friends have said, 'Calvin, when we were growing up, when you were campaigning in the 70's, we could see Waikiki from Saint Louis Heights and Maunalani Heights and Wilhelmina Rise. Today, we can't even see the shoreline.' But I respect that. I tell them why at the end of the day, we had to make a tough decision, if we're going to support tourism or not. And I've said this on the Floor and at the neighborhood boards, and I said it at the hearing. Maybe I'm selfish. I don't want condominiums and apartments in the 20th District. 'Not in my backyard.' But our forefathers had the vision to create this authority to redevelop it. And we today have put in a quarter of a billion dollars of improvements.

"So, are we going to stop here or are we going to move forward? That is the concern and those are my feelings about why this type of issue should not be before this Body. Yes, you may say I led the charge in Kakaako Makai. But remember, Members of this House, it was state lands. It was state lands, not private ownership. I've talked to General Growth until they went bankrupt, where Howard Hughes took over all of Ward. The

authority has done an excellent job in extracting that 4,000 units. If you folks don't want the 4,000, where do you folks want to go?

"I've said to people, 'no, enough is enough on the Leeward side in dumping those that can least afford a home.' I don't want to see it, from the Housing Committee Chair, more and more hidden homeless. I don't want to see one of my colleagues be in the paper again with a sledgehammer. Excuse me, I didn't mention his name."

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

Representative Say continued, stating:

"But what I'm getting at. I have the highest regards for the sponsor of the measures, because he is representing his constituency and his voters. But maybe these 4,000 units that may have two or one individual in the unit, become his future voters. For me, it's not a lose-lose. It has to be a win-win. And that's why I've taken this approach in saying my *mana'o* to all of you from the historical perspective. And that's what it is. I'll be also making a point of inquiry later and I'll surprise you at the end of the calendar, but it is for discussion purposes.

"So in closing, it's going to be that particular Stand. Com. Report 546 and 550, I'll vote no because I cannot live with myself in just having a defective date, and not knowing what the language of the substance will be later. The substance that is in those measures, I do not agree, even though there will be future discussion. With the statement that with a defective date, you will have more discussion. And I don't know what that discussion will be. And I just share that will all of you. Thank you."

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

"Thank you. In support, Mr. Speaker. I support the development of Kakaako. I support workforce housing. I support a future for our generation here in this state. There's no question about that. Because I live with my parents, and one day I hope to aspire to a place, perhaps after the next reapportionment, in the area. With that being said, I support this suite of bills, because there are provisions within here that guarantee that we move ahead the right way. And that's the concern, is that we do this the right way.

"Right now, there are loopholes which allow, for example, exemptions to be granted to a particular developer, which amounts to a subsidy from the state in return for the development of workforce housing for reserved housing units. But there is no guarantee in the law, and there are loopholes built in, that allow those units, instead of being sold as a reserved unit, to be sold to a millionaire at market rate or higher. And that is my concern, because we're placing our faith in these developers to make sure that we get the housing that benefits our local folks here. And I think some of the provisions in here clarify that and close that loophole, so that we can ensure that as these developments proceed, they're done right, and they're done for local people. Thank you very much, Mr. Speaker."

Representative Ito rose, stating:

"Mr. Speaker, I want to change my vote to 'no'. I don't want my grandchildren to live with me. Thank you."

Representative Jordan rose to respond, stating:

"Mr. Speaker, may I please have the words of Speaker Emeritus written into the Journal as if they were my own? And a few comments, Mr. Speaker, with reservations.

"I do live on the Leeward Coast, Waianae. And I've lived there for almost 45 years. Today, it was 1 hour to drive in here. Yesterday, it was 1 hour, 45 minutes. The day before, 1 hour, 50 minutes. Sometimes when I go home to catch a neighborhood board to present a report, as I should to my constituency, 2 hours to go home. That's leaving at 6 p.m., Mr. Speaker.

"What do I tell families in my community when they want to build homes? Where are our development plans for the island of Oahu and the

rest of our state? Unfortunately, and no disrespect to the introducer, I would fight for my district as well as he does. Unfortunately, Kakaako, in my opinion, has become scarred. But you need to build in the urban core, so families like mine can live in Halekauwila for \$1,300 versus \$2,200 in Makaha and drive into Honolulu 1 hour, 50 minutes in the morning, 2 hours in the evening. And how do we support quality of life for families?

"The individuals that are going to build these projects reside in my community. How do I look at them and say, 'I'm sorry. We're going to put a break because the economy has turned around.' The developers have decided. Yes, maybe some of them will go to multi-million dollar owners. That's called penciling out a project, Mr. Speaker. You know when I learned that? When they wanted to build affordable housing in my community, and we had a restriction of four stories. It doesn't work. We need to go seven stories in order to pencil out low income housing, 30 percent payment in Waianae. So, if we're really going to talk about something, then we should have the true discussion.

"My understanding, the state wasn't going to pay to build projects in the urban core. We have to rely upon developers, unfortunately. That is why we're in the situation we are in today. With all the units we need, you as well as I know. Who needs a home? Our local families and those individuals that we've been talking about all session, homeless. I will be voting with reservations as we move forward in this discussion. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support. Just a couple of comments about workforce housing in Kakaako. The committee, when we had the hearing there was lots of time actually spent on reserved housing and workforce housing requirements. And one of the things that came out in the debate was that if the developer says that they want to put 'x' amount into reserved or workforce housing, there are concessions given for that, which is a good thing, because that's incentivizing. But one of the concerns was, when it came to reserve housing, the requirement was to aspire to a certain percentage.

"When we really, really asked the hard question of the Executive Director of Hawaii Community Development Authority as to what does aspire mean, it means an attempt to. So what happens is when the building project is done and they put the projects out for sale, if the lower income, because it's tied to an annual income. So let's say it's 100 percent of the median income, whatever the formula is. They can put it out on the market. If in a certain amount of time nobody buys it, then basically they just can do what they want with it. So it's not like a guarantee. So you give concessions without a guarantee that that will stay as workforce housing or tackle housing for the lower, medium income people that we want. It's like maybe, it's like a maybe. And that bothered a lot of my fellow colleagues as we started drilling down on that. It's like you're telling us it's not guaranteed. And that was true after we asked all the hard questions.

"But I think the next question that came up is workforce housing, which is different from reserved housing. Now the workforce housing requirement right now says that we'll sell it to those who qualify. Now, if they want to sell their place, let's say in two, three, four, five years. If they want to sell their place, they have to give a certain part of any equity that they gain in it, they have to give a percentage back to the state. But after that first time sell, it never has to be workforce housing anymore. It can go directly to market. That was another problem. Because we could see that within Kakaako in a very short period of time, there would be no workforce housing available.

"So one of the changes we made in one of the bills, which is 1866 actually that's coming up, one of the changes as we looked at the workforce housing that they created on the Big Island, Hawaii Island. And when they tried to do workforce housing, which was like 30 years ago. I think it was, what they said was, 'if you sell it within 10 years, the equity goes to the county.' There was a share of equity, but the fact was that you couldn't sell the house for 10 years. So you had to sign a contract, that if you bought the house, that it would be for 10 years. If something happened, you'd get zero of the equity in it. So the point being is, at least you could try for 10 years to keep that project or that condominium or

those houses, like in Waikoloa where I'm from. Trying to keep those houses as a workforce housing available to the public.

"So, some of the concerns that came out is, going in and trying to do workforce housing. Everybody agreed with that. All the people that testified, I didn't believe that people were against development of Kakaako. They were worried about, were we really trying to meet a workable, a village concept? The village being workforce housing. Were we addressing schools? Were we making it walkable? Could people bike? Because the people that were at the hearing really wanted to have a walkable community, a village that really had more of a community sense. Their concern is we were moving Kakaako forward only for people who had a lot of money, that it would be high-end homes. And they were really concerned about that.

"I think the bills are trying to find some balance. They're trying to do more public engagement. They're trying to get the community concerns in front of the board, have more interaction with the board. They're trying to make sure that they're living up to the vision of a village, a community village. Having the housing, having the parks, having the healthcare, having the workforce housing. That's what we're trying to attempt in these bills. And I hear the concern about the defective date."

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

Representative Evans continued, stating:

"Thank you, Representative. The goal of the bills is obviously to keep it going. And I understand all these concerns of defective date, because you never know if things are going to change along the way. But I want to remind everyone, we're not about repealing the HCDA, we're not about moratorium on HCDA. What we're trying to do is revisit the policy in statute that was put there some years ago and see if it's time to maybe amend it and make it a little more reflective of what our vision is today. Thank you very much."

Representative Har rose to respond, stating:

"Mr. Speaker, with reservations, just brief comments. Thank you. Before I begin can I please have the words of the Vice Chair from Water & Land entered into the Journal as if they were my own? In addition, very briefly, I would direct the Members' attention to page 8 of the bill, which specifies building proximity, height orientation and maximum floor area ratio. As a proponent of smart growth development, these restrictions currently that have been put in the amended bill do not promote smart growth development.

"So when we talk about walkable communities, you don't have them this far back from each other. I am a huge proponent of smart growth development. For those who do not understand smart growth, it is a basic urban planning tool to ensure that you have compact walkable areas, and to ensure no urban sprawl. And the problem right now with this bill and the amendments that are in it, it does not promote smart growth and it does not promote the community transit-orientated development, bicycle friendly, walkable community that the current committee supports. So, for those reasons, I'm with reservations. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'll be voting with reservations. I'd like the record to reflect the words of Speaker Emeritus as if they were my own. I'd like to also disclose that, yeah I was with him back in 2006. And I think when we drew the policy line in the sand, so to speak, that there would be no residential development *makai* of Ala Moana Boulevard. The policy behind that was to basically protect the land, to ensure that public access in the last remaining open space from Honolulu Harbor out to Waikiki would be kept open in perpetuity for the enjoyment of our citizens. And I think it's the right policy.

"So I'm a little bit concerned about, not so much this particular bill, but other bills dealing with the abolishment of HCDA. For there in that statute

you have the prohibition against the building of any residential projects *makai*, ocean side of Ala Moana Boulevard.

"I really feel for the Representatives representing this area. This is something that's in their backyard. Just as much as issues dealing with the development of urban land North of Wahiawa, the Galbraith lands were in my backyard. Or the redevelopment of the city block in Wahiawa Town, next to Wahiawa General Hospital, the shopping center, the post office, the bank, the Wahiawa District Park, are in my backyard. So I really empathize with these folks, because they live near and dear to their constituents and need to be the voice of their constituents in all kinds of issues. So I empathize with them.

"I'm glad these bills are before us, because they cause us all to reflect upon some of the items that the Speaker Emeritus talked about. You know, where are we going to build our homes for the next generation? Where do we find it appropriate to build and what cost? What kind of public support are we going to give to those projects as we partner with the private sector? What scale and what scope? What schools? What facilities? What parks? What amenities will be available? And certainly, I don't want high rise buildings in Wahiawa. I think we have a limitation, I think seven stories.

"But like the Representative from Waianae spoke, to pencil out with a private sector developer, to get their monies in and out over a reasonable period of time, and a return on their investment, you've got to go vertical, you can't go horizontal. If you want to make sense and make it affordable for most people who are working, you've got to go with a high rise. I really feel for them, so I'm going with reservations.

"I think that we need to understand the principles of smart growth. How to incorporate the walkable city, the walkable streets, the total streets, the full streets, the complete streets concepts. I think we need to acknowledge the fact that, hopefully we will have rail, and it will be a backbone of transportation to and from the area in Kakaako. It will be affordable to people who now live in Waianae, or Wahiawa, or Waipahu, or Waiialua. And they'll have a chance to raise their families and maybe own a home in Kakaako.

"Mr. Speaker, there are several other bills here. I would ask for permission to insert written comments on all them. But again, I really go out to the..."

The Chair addressed Representative Oshiro, stating:

"Wait, Representative, I'm sorry. You are allowed permission to insert written comments on this measure, but I don't know what other measures you are identifying or talking about."

Representative Oshiro continued, stating:

"Okay, well I'll stand up at the appropriate time. But really I think I wanted to make my point, again. That this is a very local issue for several districts, for the Senators nearby. They're the ones who are going to be impacted with it. It's hard for, I think, some of our neighbor island colleagues to appreciate what's going on there. Living on Oahu, living in Wahiawa, it certainly doesn't affect my constituents directly. Maybe some of them, because they're gainfully employed in the construction trades, so they might be affected by this decision. But I also have some real estate agents, or bankers, architects, engineers who live Wahiawa who might be affected. But the rank and file in my community, in Wahiawa, will not be affected by this.

"So I really feel for the area Representatives who have to, again, be the voice of their constituents. And I think that's where these bills come from. And so I hope we can address these concerns in the legislative process, or even prompt the Hawaii Community Development Authority and its board to address some of these issues. Whether it's going to be density. Whether it's going to be height limitations. Whether it's going to be the access Mauka, Makai, Diamond Head, Ewa. Whether it's going to be the density on floors. Those kinds of restrictions.

"So I just want to thank the committee chair. I did watch it on Olelo from Wahiawa. And I really was impressed by her stamina and her insistence upon keeping this thing moving forward."

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

Representative Oshiro continued, stating:

"I also had the chance to watch the other bill dealing with the HCDA on the interest of OHA, and how OHA's interest right now will weigh into this decision. So I just hope that all of us can keep a civil tone and understand and appreciate the difficult situations for our colleagues who actually face this in their backyard. I think it's the right approach you need to take. I would do so with respect and understanding this is a very complex issue. It's not a simple issue.

"I'm not an engineer, Mr. Speaker. I haven't studied traffic flow. I don't know the science of measuring traffic. I don't know the metrics involved in deciding whether or not a new school needs to be built. What pace, or what size. I'm just an attorney. And those other specialties, those other expertise will be brought to bear on this. And I hope we can all look at their recommendations, their professional opinions, and accordingly make those right decisions. Thank you."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1867, House Draft 1, but with serious reservations.

"Standing Committee Report No. 546-14 states that the purpose of this measure, as amended by your Committee on Water & Land, is to increase transparency for the public and ensure that communities are kept well-informed about development decisions affecting their community.

"Yet, upon closer inspection, the bill does much more. While it would appear that the bill may indeed promote transparency and ensure that communities are kept well-informed about Hawaii Community Development Authority's (HCDA's) decisions, the bill would also include specific height and density requirements and restrictions on HCDA's authority to grant variance, exemptions, and modifications of any provision of any rule or development plan relating to maximum floor area ratios.

"The practical impact of this bill would be to make it extremely difficult, if not impossible, for new development in Kakaako to commence. Furthermore, by establishing new restrictions that do not take into account the existing situation of landholders within the district, arguably, these statutory changes would appear to be arbitrary, capricious, and confiscatory which may result in very costly litigation and liability exposure for the state.

"Your Committee on Water & Land found that 'the public has been very vocal about community engagement, public notice, and public hearing procedures currently utilized. . .' by HCDA, and that 'public transparency concerns have often been tied to addressing the issue of whether [HCDA] plans have adequately accounted for infrastructure concerns.' By taking the approach it did, your Committee on Water & Land would appear to have made a much more direct finding – that HCDA has not provided adequate due process for the residents of Kakaako, and accordingly, should not be allowed to authorize any new development there.

"If that is truly the case, arguably, the residents of Kakaako already have access to the courts to contest HCDA's actions under the Hawaii Administrative Procedures Act, Chapter 91, Hawaii Revised Statutes (HRS), as well as Chapter 206E, HRS. There are general principles of common law that also are affected, providing aggrieved parties the ability to challenge the decisions of an administrative agency.

"General due process considerations of fairness directly limit the manner in which an agency may exercise its designated responsibilities. A practice which violates due process cannot be excused because of mere

administrative inconvenience. (See, State Dept of Environmental Protection v. Stravola, 103 N.J. 425, 511 A.2d 622 (1986))

"There are no simple answers as to what constitutes fundamental fairness, and each case must be considered and evaluated on its merits, giving weight to the effect of the decision on the agency's public policy.

"The controlling case would appear to be Mathews v. Eldridge, 424 U.S. 319, 96 S Ct 893, 47 L Ed 2d 18 (1976). Under the Mathews balancing test, to determine whether an administrative procedure satisfies due process a court must weigh:

- (1) The private interest that will be affected by an official action;
- (2) The risk of erroneous deprivation of such interest or procedures used and the probable value, if any, of additional or substitute procedural safeguards; and
- (3) The government's interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedural requirements would entail. (See, Am Jur 2d., Administrative Law §56)

"But rather than let the courts figure out whether HCDA has violated fundamental fairness and entrust the implementation of well-established public policy to the HCDA – that our urban core be developed to meet our vast, unmet needs, including the lack of suitable affordable housing, insufficient commercial and industrial facilities for rent, residential areas which do not have facilities necessary for basic live-ability, such as parks and open space, and areas which are planned for extensive land allocation to one, rather than mixed uses – we endeavor to micro-manage HCDA to the point where it would no longer serve any effective use.

"If that is the will of this Body, so be it, but let's not kid ourselves and just repeal HCDA. If that is the new policy for the state, then how does House Leadership and the Representatives from Kakaako propose we address our growing unmet needs? Push development out to Leeward or Central Oahu? Windward Oahu? Use agricultural lands for residential housing? Sure, it is very easy to placate NIMBY residents in Kakaako by supporting a measure like this. But let's not forget that we've already invested hundreds of millions of dollars into Kakaako's infrastructure which according to experts has not come close to reaching its capacity. What about our unmet needs? Where are the solutions in this bill?

"If House Leadership want this bill so badly, I'll play along. But I for one will not stand by and let them dismantle 30 years of urban planning without obtaining solid consensus on what we should do as an alternative. This bill is the antithesis of 'smart growth development'. And if House Leadership are truly 'leaders' in this Body, they will have an alternative for us to consider. I for one can hardly wait to see what they have to offer. Until such is presented, I will have serious reservations on this and similar measures."

At 2:26 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:31 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was referred to the Committee on Finance, with Representatives Hanohano, Ito and Say voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 547-14) recommending that H.B. No. 2385, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2385, HD 1 pass Second Reading and be referred to the Committee on Agriculture, seconded by Representative Souki.

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. 2385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Agriculture, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 548-14) recommending that H.B. No. 1688, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1688, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

"Thank you, Mr. Speaker. I'd like to cast a no vote with just a few brief comments. Thank you. Mr. Speaker, this in essence will allow public lands to be leased for 85 years instead of the 65 year present restriction. I understand there is a need on the Big Island, in the Hilo area, for some changes. But, I don't think we should pass a measure like this for statewide application. I think 85 years is way too long. It takes several generations out of the ability to be able to lease state land for agricultural, whatever other purposes. Thank you."

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

"Please note my strong reservations."

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

"Just a quick comment in support. The way it's written, it says, if you had a 65 year lease, let's say you had a 30 year lease or a 40 year lease. Ten years before your lease is up, if you're going to go and go to the bank and loan a large amount of money, and you needed to have a 30 year mortgage, let's say, with the bank. At that point in time, if you have that financing in place, you could go to the Board of Land and Natural Resources and ask for an extension of your lease based on your mortgage instrument. So you could never get the, let's say if you're a 65 year lease, at 55 years you go in. You say, 'we want to do a major investment. Here's what our banker has.' There has to be proof that you have been confirmed for a mortgage.

"If your mortgage is only good for 10 years, you'd only get a 10 year extension. But the way we wrote it is you could get up to 30 if you can show that what you're financing, what you're building, will be on a 30 year mortgage with the bank. You have to have that proof or you could never do it. So I just wanted the details for my colleagues. Thank you."

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

"*Kako'o 'ole*. In strong opposition, being that this is a policy that has been brought forth unto the committee. However, the public hasn't even weighed in on it. So why are we making policies for our people, for the State of Hawaii, when they have no voice in it. So I'm going to be that voice that's going to tell the people that this is what the Legislature decided to do if it passes out. Therefore, I'm in strong opposition. *Mahalo*. Plus, this is public lands, and it does come under my purview also. *Aloha*."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second

Reading and was referred to the Committee on Finance, with Representatives Hanohano and Thielen voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 549-14) recommending that H.B. No. 2204, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2204, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

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

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

"Reservations because of the user fees."

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

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

Representative Fukumoto rose and asked that the Clerk record a no vote 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 Johanson 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 Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

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

"Mr. Speaker, to be consistent I did vote no in the committee and I'll be voting no, based on the fact that we are authorizing the city and counties, of the four counties, to assess a user fee on storm water. I did ask the question, what is the definition of storm water and will it be affecting those tenant residents in the rural areas versus the urban areas, *et cetera, et cetera*? Because at this point in time, I believe, you've heard from the residents of the district that you represent, and I, that they were very much upset with the increase in the sewer fees and the water fees, and now their property taxes.

"So I do not want to be caught in a crossfire that I authorized this particular county the option to assess a fee on storm water without really quantifying what storm water is defined as."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STORMWATER MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Fale, Fukumoto, Hanohano, McDermott, McKelvey and Say voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 550-14) recommending that H.B. No. 1866, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1866, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Souki.

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

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

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

"Strong reservations."

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

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

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

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

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1866, House Draft 1, but with serious reservations.

"Standing Committee Report No. 550-14 states that the purpose of this measure is to enhance oversight of the Hawaii Community Development Authority (HCDA), but curiously, the bill does much more. It would effectively kill this agency by eliminating all of its state funding for Fiscal Year 2014-2015.

"The practical impact of this bill would be to make it impossible for new development in Kakaako to commence.

"During the public hearing on this bill, your Committee on Water & Land found that 'the public has been very vocal about community engagement, public notice, and public hearing procedures currently utilized. . .' by HCDA, and that 'public transparency concerns have often been tied to addressing the issue of whether [HCDA] plans have adequately accounted for infrastructure concerns.' By taking this approach,

your Committee on Water & Land would appear to have made a much more direct finding – that HCDA has not provided adequate due process for the residents of Kakaako, and accordingly, should not be allowed to authorize any new development there.

"If that is truly the case, arguably, the residents of Kakaako already have access to the courts to contest HCDA's actions under the Hawaii Administrative Procedures Act, Chapter 91, Hawaii Revised Statutes (HRS), as well as Chapter 206E, HRS. There are general principles of common law that also are affected providing aggrieved parties the ability to challenge the decisions of an administrative agency.

"General due process considerations of fairness directly limit the manner in which an agency may exercise its designated responsibilities. A practice which violates due process cannot be excused because of mere administrative inconvenience. (See, State Dept of Environmental Protection v. Stravola, 103 N.J. 425, 511 A.2d 622 (1986))

"There are no simple answers as to what constitutes fundamental fairness, and each case must be considered and evaluated on its merits, giving weight to the effect of the decision on the agency's public policy.

"The controlling case would appear to be Mathews v. Eldridge, 424 U.S. 319, 96 S Ct 893, 47 L Ed 2d 18 (1976). Under the Mathews balancing test, to determine whether an administrative procedure satisfies due process, a court must weigh:

- (1) The private interest that will be affected by an official action;
- (2) The risk of erroneous deprivation of such interest or procedures used and the probable value, if any, of additional or substitute procedural safeguards; and
- (3) The government's interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedural requirements would entail. (See, Am Jur 2d., Administrative Law §56)

"But rather than let the courts figure out whether HCDA has violated fundamental fairness and entrust the implementation of well-established public policy to the HCDA – that our urban core be developed to meet our vast, unmet needs, including the lack of suitable affordable housing, insufficient commercial and industrial facilities for rent, residential areas which do not have facilities necessary for basic live-ability, such as parks and open space, and areas which are planned for extensive land allocation to one, rather than mixed uses – we endeavor to micro-manage HCDA to the point where it would no longer serve any effective use.

"If that is the will of this Body, so be it, but let's not kid ourselves and just repeal HCDA. If that is the new policy for the state, then how does House Leadership propose we address our growing unmet needs? Push development out to Leeward or Central Oahu? Windward Oahu? Use agricultural lands for residential housing? Sure, it is very easy to placate NIMBY residents in Kakaako by supporting a measure like this. But let's not forget that we've already invested hundreds of millions of dollars into Kakaako's infrastructure which according to experts has not come close to reaching its capacity. What about our unmet needs? Where are the solutions in this bill? And, please don't tell me that these individuals acquired their units unaware that future development was foreseeable. No one can claim that they purchased their homes believing no future high rise or similar building would be built.

"If House Leadership want this bill so badly, I'll play along. But I for one will not stand by and let them dismantle 30 years of urban planning without obtaining solid consensus on what we should do as an alternative. And if House Leadership truly want to lead this Body, I can hardly wait to see what they have to offer. Until such time, I cast my vote with serious reservations."

Representative Hanohano rose, stating:

"I'm going to *ho'ololi* my vote, to *kako'o 'ole*. Changing my vote to no."

Representative Ito 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. 1866, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hanohano and Say voting no, and with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

Representatives Evans and Hanohano, for the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 551-14) recommending that H.B. No. 1689, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Souki and carried, the report of the Committees was adopted and H.B. No. 1689, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MAUNA KEA," was referred to the Committee on Finance, with Representatives Cachola, Carroll, Creagan, Nakashima and Takumi being excused.

At 2:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:42 o'clock p.m.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 552-14) recommending that H.B. No. 2320, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2320, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. Before our blood sugar goes too low, I've got one more vote to cast, and that's with reservations on 552-14. This is about the social determinants of health. It's basically a warm and fuzzy. It doesn't do any harm, but I think it's setting up the Department of Health for a fall. It's a creation out of the Center of Urban Health, WHO. And it's attempting to remind the nations in the United Nations to help your people get out of poverty. Help create new jobs. Help do a better job at the Health Department. And the difficulty is that your education, your income, and your job is really what determines one's health. And their studies have all the data that says that.

"So to put it on the back of the Department of Health, to say that this is for you to really work out, is kind of unfair. But to remind people that there are people because of their lack of jobs, lack of education, that they're going to have a difficult time making it. So, I think it's a bit misleading to put it on Department of Health. And to say that they're actually social determinants of health, they're actually socio-economic determinants of health.

"Mr. Speaker, I spent a number of years in the United Nations. I know they like to kind of shake governments up to pay more attention to the health of their people. But I don't think in our Department of Health that this is going to actually be implementable, and it may be a frustrating expectation. Thank you, Mr. Speaker."

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

"Mr. Speaker, in strong support. Mr. Speaker, I want to give a little bit of background on this bill. This is a bill that was generated by the Department of Health, by the staff, by the deputy directors, in many ways to honor the late Loretta Fuddy, who held health equity as an important goal and objective. In the realm of public health, and in the conversations

and in the policy work that's done by the Department of Health, they are themselves asking that we impose this upon them as a goal and objective that they should hold in the back of their heads as they develop policy for the State of Hawaii.

"Mr. Speaker, when the representatives of the Department of Health came to me and asked that they impose this obligation upon themselves, they understood that it was about putting health policies for all as a guiding principle. They are informally calling this 'Loretta's law'. I think that in the best interest of health policy development, that this is just, it's merely aspirational. But it begins to guide the decision making, the policy making, in a way that helps us to look at health and all the aspects of health, and all the broad ways in which health can be improved. Now, they're not imposing this upon any other department. They are just saying, 'within our own statutes, we want to hold this up as a goal.' So, Mr. Speaker, in strong support of this measure. Thank you."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 2320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Carroll, Creagan, Kawakami, Nakashima, Takumi and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 553-14) recommending that H.B. No. 1966, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Carroll, Creagan, Kawakami, Nakashima, Takumi and Tokioka being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 554-14) recommending that H.B. No. 2560, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 380-14 on H.B. No. 2560, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2560, HD 2, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 25) and concurrent resolution (H.C.R. No. 43) were referred to Printing and further action was deferred:

H.R. No. 25, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HUMAN SERVICES TO ASSIST WITH INCREASING VOTER REGISTRATION AMONG YOUNG ADULTS," was offered by Representative Mizuno.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HUMAN SERVICES TO ASSIST WITH INCREASING VOTER REGISTRATION AMONG YOUNG ADULTS," was offered by Representative Mizuno.

ANNOUNCEMENTS

Representative Say: "Mr. Speaker, this afternoon, I apologize for all of you, but this is a procedural matter that I would like to ask the presiding officer, the Speaker of the House. In your Committee Referral Sheet Number 22 that I have before me, and I also have a hearing notice for February 8th, 9 a.m., Conference Room 325, House Bill Number 2554, referred to the Committee on Water & Land/Ocean, Marine Resources, &

Hawaiian Affairs, Finance. Can you clarify for me if this particular measure was heard with no decision, or, I don't know what?"

At 2:47 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:51 o'clock p.m.

Representative Say: "I respect the decision of the leadership, but may I just make a point, that I am in opposition to this re-referral because I did not get an opportunity to state for the record that we are assuming that we can have residential homes on the *makai* side of Kakaako. That's all it is."

Representative Saiki: "Mr. Speaker, just a point of information for the record. I'd like to note that with respect to House Bill 2554, it was re-referred at the request and with the approval of the relevant committee chairs. Thank you."

ADJOURNMENT

At 2:52 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, Tuesday, February 18, 2014. (Representatives Cachola, Carroll, Creagan, Kawakami, Lowen, McDermott, Nakashima, Takumi and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated February 14, 2014, 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 gives its notice of intent to agree to the following House Bill:

H.B. No. 2353, SD 1