

FORTY-THIRD DAY

Tuesday, April 1, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:08 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by The Reverend Samuel Lawrence Domingo of Kilohana United Methodist Church, after which the Roll was called showing all Members present with the exception of Representatives Hashem and Ing, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 413 through 422) were received and announced by the Clerk:

Sen. Com. No. 413, transmitting H.C.R. No. 33, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE SECRETARY OF DEFENSE TO ALLOW "FLYOVERS" TO HONOR AND RECOGNIZE ARMED FORCES DAY, MEMORIAL DAY, VETERANS DAY, AND THE ANNIVERSARY OF PEARL HARBOR," which was adopted by the Senate on March 31, 2014.

Sen. Com. No. 414, transmitting S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING JULY 20, 2014, AS "TRANQUILITY BASE DAY" IN HAWAII TO HONOR THE FORTY-FIFTH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING AT TRANQUILITY BASE AND URGING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION TO INCLUDE TRANQUILITY BASE AND ASSOCIATED ARTIFACTS ON THE WORLD HERITAGE LIST," which was adopted by the Senate on March 31, 2014.

Sen. Com. No. 415, transmitting S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE THE PRESUMPTION OF A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO UNITED STATES VETERANS WHO SERVED IN THE WATERS DEFINED BY THE COMBAT ZONE AND IN THE AIRSPACE OVER THE COMBAT ZONE IN VIETNAM," which was adopted by the Senate on March 31, 2014.

Sen. Com. No. 416, transmitting H.B. No. 1664, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION FOR FIREWORKS," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 417, transmitting H.B. No. 2387, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 418, transmitting H.B. No. 1604, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 419, transmitting H.B. No. 1616, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 420, transmitting H.B. No. 1618, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPOSITION OF THE BOARD OF LAND AND NATURAL RESOURCES," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 421, transmitting H.B. No. 1638, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on March 31, 2014.

Sen. Com. No. 422, transmitting H.B. No. 1700, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on March 31, 2014.

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Cabanilla and carried: (Representatives Hashem, Ing, Nishimoto and Wooley were excused.)

H.B. No. 1604, HD 2, (SD 1)
H.B. No. 1616, HD 1, (SD 1)
H.B. No. 1618, HD 1, (SD 1)
H.B. No. 1638, HD 2, (SD 2)
H.B. No. 1700, HD 1, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 82) was received by the Clerk and was placed on file:

Dept. Com. No. 82, from the Office of the Auditor, dated March 27, 2014, transmitting its 2013 Annual Report, pursuant to Section 23-9, HRS.

INTRODUCTIONS

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

Representative Awana introduced Mr. Chris J. Kanazawa, USDA Rural Development State Director for Hawaii, American Samoa and the Western Pacific.

Representative Carroll introduced from Lanai High School: Mr. Jon Montgomery, Social Studies Teacher; Nalani Plunket, Senior, Captain of the Girls Softball Team; Tyler Pascua, Senior, Student Body President; Kalikar de Brum, Junior, Student Body Vice President; Kealoha Kahananui, Junior; Derec Kahananui, Junior; Jayde Fernandez, Sophomore, Secretary; and Kanani Tolentino, Sophomore.

Representative Onishi introduced Ms. Lorraine Davis, Chief Operations Officer, YWCA Hawaii Island.

Representative Oshiro introduced his wife, Mrs. Lauzanne Oshiro.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 217) was announced by the Clerk and the following action taken:

H.R. No. 217, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING KEITH Y. TAMASHIRO UPON HIS PROMOTION TO THE RANK OF BRIGADIER GENERAL," was offered by Representative Oshiro.

Representative Oshiro moved that H.R. No. 217 be adopted, seconded by Representative Fukumoto.

Representative Oshiro recognized and congratulated Brigadier General Tamashiro for his many accomplishments and contributions to the community, in both his Hawaii Army National Guard and civilian positions, thanked him for his service to city, state and country, and introduced honoree seated on the Floor of the House:

Brigadier General Keith Y. Tamashiro.

Representative Fukumoto acknowledged the work and accomplishments of Mrs. Tamashiro, and introduced honoree seated on the Floor of the House:

Mrs. Iwalani Tamashiro, wife of Brigadier General Tamashiro.

Representative Takai, as a subordinate of Brigadier General Tamashiro, recognized the passion and support he has and thanked him for inspiring those he leads, and congratulated him and Iwie.

The motion was put to vote by the Chair and carried, and H.R. No. 217 was adopted, with Representatives Har, Hashem and Wooley being excused.

The following resolution (H.R. No. 218) was announced by the Clerk and the following action taken:

H.R. No. 218, entitled: "HOUSE RESOLUTION COMMENDING THE HAWAII COALITION AGAINST SEXUAL ASSAULT AND SUPPORTING AGENCIES FOR THE VITAL SERVICES THEY RENDER TO SEXUAL ASSAULT VICTIMS IN THE STATE OF HAWAII," was jointly offered by Representatives Evans, Aquino, Belatti, Brower, Carroll, Cullen, Hanohano, Hashem, Ichiyama, Ing, Kawakami, Kobayashi, McKelvey, Ohno, Rhoads, Takai, Takumi, Yamashita and Creagan.

Representative Evans moved that H.R. No. 218 be adopted, seconded by Representative Ichiyama.

Representative Evans highlighted the importance of April as Sexual Assault Awareness Month and acknowledged the programs that help victims of assault by providing treatment centers, counseling and legal support services, and training of medical personnel, law enforcement and prosecutors to better assist victims.

Representative Ichiyama recognized the guidance, counseling and assistance services of Hawaii's sex abuse treatment centers who help victims through the emotionally difficult legal process, and to deal with the flood of thoughts, emotions and reactions in the process of personal restoration.

Representative Belatti honored the Hawaii Coalition Against Sexual Assault and introduced honorees seated on the Floor of the House:

Ms. Adriana Ramelli, Executive Director, Sex Abuse Treatment Center at Kapiolani Medical Center;
 Ms. Kathleen McGilvey, CEO, YWCA of Hawaii, representing Hawaii Island Assault Support Services;
 Ms. Nicole Hokoana, Director, Maui County Programs, representing the Maui Sexual Assault Center;
 Lieutenant Colonel Dawn Romero, Program Manager, EO/SHARP Program, representing the US Army Sexual Harassment/Sexual Assault Response and Prevention Program at Schofield Barracks;
 Lieutenant Commander John Benson, representing the US Navy Sexual Harassment/Sexual Assault Response and Prevention Program at Pearl Harbor;
 Lieutenant Commander Robert Malonado, Deputy Installation Commanding Officer, representing the US Marine Corps Sexual Harassment/Sexual Assault Response and Prevention Program at Kaneohe Marine Corps Base;
 Sergeant Major Kathryn Arizo, representing the Hawaii Army National Guard Sexual Harassment/Sexual Assault Response and Prevention Program;
 Senior Airman Rut Montero, representing the US Air Force Sexual Harassment/Sexual Assault Response and Prevention Program at Hickam Air Force Base; and
 Captain Macie Akana, representing the Hawaii Air National Guard Sexual Harassment/Sexual Assault Response and Prevention Program, at Hickam Air Force Base.

Representative Belatti also honored the Kauai Sexual Assault Treatment Services and the US Coast Guard Sexual Harassment/Sexual Assault Response and Prevention Program, who were unable to be here.

Representative Belatti then recognized additional guests seated in the gallery who were here to support the Sex Assault Prevention and Response Programs.

The motion was put to vote by the Chair and carried, and H.R. No. 218 was adopted, with Representatives Har, Hashem and Wooley being excused.

At 12:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that House Resolution No. 123, House Draft 1, and House Concurrent Resolution No. 163, House Draft 1, have been re-referred solely to the Committee on Health per Committee Referral Sheet No. 47. The Committee on Higher Education waived its referral to these measures, and therefore it is appropriate for the House to consider action for adoption.

"Members, we will be going through three motions. The first motion will be a motion to suspend the rules, the second motion will be to reconsider action taken, and the final motion will be a motion to adopt."

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the rules were suspended to reconsider action previously taken on H.R. No. 123, HD 1; and H.C.R. No. 163, HD 1. (Representatives Har, Hashem and Wooley were excused.)

RECONSIDERATION OF ACTION TAKEN

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the House reconsidered its action previously taken pursuant to the recommendation contained in Standing Committee Reports Nos. 1239-14 and 1240-14, recommending referral to the Committee on Higher Education. (Representative Har, Hashem and Wooley were excused.)

UNFINISHED BUSINESS

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF HEALTH AND THE UNIVERSITY OF HAWAII WINDWARD COMMUNITY COLLEGE TO CONDUCT A COMMUNITY MEETING TO EXPLAIN THEIR CURRENT AND ONGOING PLANS FOR THE PARCELS OF LAND ALONG THE SOUTHERN BOUNDARY OF THE WINDWARD COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Har, Hashem and Wooley being excused.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.C.R. No. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF HEALTH AND THE UNIVERSITY OF HAWAII WINDWARD COMMUNITY COLLEGE TO CONDUCT A COMMUNITY MEETING TO EXPLAIN THEIR CURRENT AND ONGOING PLANS FOR THE PARCELS OF LAND ALONG THE SOUTHERN BOUNDARY OF THE WINDWARD COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Har, Hashem and Wooley being excused.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1366-14) recommending that H.C.R. No. 192, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.C.R. No. 192, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE POLICE DEPARTMENTS OF THE COUNTIES OF HAWAII, KAUAI, AND MAUI, AND THE CITY AND COUNTY OF HONOLULU TO CONTINUE TAKING AFFIRMATIVE STEPS TOWARDS IMPLEMENTING BEST PRACTICES IDENTIFIED IN MODEL POLICIES AND PROCEDURES TO INCREASE THE ACCURACY OF EYEWITNESS IDENTIFICATION AND INTERROGATION OF SUSPECTS IN CRIMINAL INVESTIGATIONS," was adopted, with Representatives Har and Hashem being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1367-14) recommending that H.C.R. No. 45 be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 45 be adopted, seconded by Representative Cabanilla.

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

"Mr. Speaker, mild reservations."

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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING CONCERN OVER PERSISTENT AND CREDIBLE REPORTS OF SYSTEMATIC, STATE-SANCTIONED ORGAN HARVESTING FROM NON-CONSENTING PRISONERS OF CONSCIENCE, IN THE PEOPLE'S REPUBLIC OF CHINA, INCLUDING FROM LARGE NUMBERS OF FALUN GONG PRACTITIONERS IMPRISONED FOR THEIR RELIGIOUS BELIEFS AND MEMBERS OF OTHER RELIGIONS AND ETHNIC MINORITY GROUPS," was adopted, with Representatives Har and Hashem being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1368-14) recommending that H.R. No. 27, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.R. No. 27, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO TAKE NECESSARY STEPS TO REINFORCE INSTRUCTION REGARDING AMERICAN CIVICS," was adopted, with Representatives Har and Hashem being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1369-14) recommending that H.C.R. No. 46, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.C.R. No. 46, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO TAKE NECESSARY STEPS TO REINFORCE INSTRUCTION REGARDING AMERICAN CIVICS," was adopted, with Representatives Har and Hashem being excused.

Representatives Tsuji and Wooley, for the Committee on Economic Development & Business and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1370-14) recommending that H.R. No. 77 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committees was adopted and H.R. No. 77, entitled: "HOUSE RESOLUTION ENDORSING AND SUPPORTING THE ALOHA+ CHALLENGE," was adopted, with Representatives Har and Hashem being excused.

Representatives Tsuji and Wooley, for the Committee on Economic Development & Business and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1371-14) recommending that H.C.R. No. 104 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committees was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE ALOHA+ CHALLENGE," was adopted, with Representatives Har and Hashem being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1372-14) recommending that H.R. No. 116, HD 1 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.R. No. 116, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO COLLABORATE WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE ECONOMIC DEVELOPMENT INITIATIVES FOR THE PERPETUATION AND USE OF NATIVE HAWAIIAN PLANTS AND RESOURCES," was adopted, with Representatives Har and Hashem being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1373-14) recommending that H.C.R. No. 155, HD 1 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.C.R. No. 155, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO COLLABORATE WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE ECONOMIC DEVELOPMENT INITIATIVES FOR THE PERPETUATION AND USE OF NATIVE HAWAIIAN PLANTS AND RESOURCES," was adopted, with Representatives Har and Hashem being excused.

At this time, the Chair stated:

"Members, if you'd look at Stand Com. Report Number 1374, that's Senate Bill 707, Senate Draft 2, House Draft 1, it will be deferred one legislative day."

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1374-14) recommending that S.B. No. 707, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action was deferred one legislative day.

SUSPENSION OF RULES

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representative Har and Hashem was excused.)

THIRD READING

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1375-14) recommending that S.B. No. 2329, SD 1, HD 1 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. 2329, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONAL LICENSES," passed Third Reading by a vote of 49 ayes, with Representatives Har and Hashem being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1376-14) recommending that S.B. No. 2420, SD 1 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. 2420, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR STATE AND COUNTY EMPLOYEES," passed Third Reading by a vote of 49 ayes, with Representatives Har and Hashem being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1377-14) recommending that S.B. No. 2229, SD 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. 2229, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM POWER OF ATTORNEY ACT," passed Third Reading by a vote of 49 ayes, with Representatives Har and Hashem being excused.

At 1:18 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2329, SD 1, HD 1
S.B. No. 2420, SD 1
S.B. No. 2229, SD 2

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1378-14) recommending that S.B. No. 2452, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1378-14 on S.B. No. 2452, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2452, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1379-14) recommending that S.B. No. 2875, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1379-14 on S.B. No. 2875, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2875, HD 1, were made available to the Members of the House.

Representatives Rhoads and McKelvey, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1380-14) recommending that S.B. No. 2574, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1380-14 on S.B. No. 2574, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2574, SD 1, HD 2, were made available to the Members of the House.

ANNOUNCEMENTS**COMMITTEE REASSIGNMENTS**

The following measure was re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
75	Committee on Finance

ADJOURNMENT

At 1:18 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 2, 2014. (Representatives Belatti, Har and Hashem were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 1, 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 has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 1604, HD 2, SD 1
H.B. No. 1616, HD 1, SD 1
H.B. No. 1618, HD 1, SD 1
H.B. No. 1638, HD 2, SD 2
H.B. No. 1700, HD 1, SD 1