

TENTH DAY

Thursday, February 3, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Pastor Max Fowler of the Good Shepherd Lutheran Church, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 104 through 122) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 104, dated January 12, 2011, transmitting the Report on the Expenditures for Chronic Disease Management and Control, prepared by the Department of Health pursuant to Act 162, Section 24, SLH 2009, as amended by Act 180, Section 28.1, SLH 2010.

Gov. Msg. No. 105, dated January 12, 2011, transmitting the Sanitation Branch Annual Audit for Fiscal Year 2010, prepared by the Department of Health pursuant to Chapter 321-27.5, HRS.

Gov. Msg. No. 106, dated January 12, 2011, transmitting the 2010 Annual Report for the Domestic Violence and Sexual Assault Special Fund, prepared by the Department of Health, Maternal and Child Health Branch, pursuant to Section 321-1.3, HRS.

Gov. Msg. No. 107, dated January 12, 2011, transmitting the 2010 Annual Report on Initiatives and Improvements in Kalaupapa Settlement, prepared by the Department of Health pursuant to Section 326-25.5, HRS.

Gov. Msg. No. 108, dated January 12, 2011, transmitting the 2010 Annual Report on Solid Waste Management, prepared by the Department of Health, Office of Solid Waste Management, pursuant to Section 342G-15, HRS.

Gov. Msg. No. 109, dated January 12, 2011, transmitting the 2010 Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health, Newborn Metabolic Screening Program, pursuant to Section 321-291, HRS.

Gov. Msg. No. 110, dated January 12, 2011, transmitting the Report on Expenditures of the Special Fund to Support the Provision of the Early Intervention Program, prepared by the Department of Health, Early Intervention Section, pursuant to Act 162, SLH 2009.

Gov. Msg. No. 111, dated January 12, 2011, transmitting a Report on the Primary Care Incentive Program, prepared by the Department of Health pursuant to Section 321-1.5(6), HRS.

Gov. Msg. No. 112, dated January 12, 2011, transmitting the 2009-2010 Annual Report of the Disability and Communication Access Board, prepared by the Department of Health.

Gov. Msg. No. 113, dated January 12, 2011, transmitting a Report Regarding Services for Persons with Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals Who are Eligible for Services and Supports, but for Whom Services and Supports have not been Provided, and the Reasons for the Lack of Services and Supports, prepared by the Department of Health pursuant to Chapter 333F, Section 6, HRS.

Gov. Msg. No. 114, dated January 12, 2011, transmitting a Report on the Status of the Environmental Health Education Fund, prepared by the Department of Health pursuant to Chapter 321-27, HRS.

Gov. Msg. No. 115, dated January 12, 2011, transmitting a Report on Funds Appropriated to Automate the Marriage Registration System, prepared by the Department of Health pursuant to Act 180, Part III, Section 34, SLH 2010.

Gov. Msg. No. 116, dated January 12, 2011, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Chapter 321H-4, HRS.

Gov. Msg. No. 117, dated January 12, 2011, transmitting the Report pursuant to Section 321-195, HRS, Requiring a Report on Implementation of the State Plan for Substance Abuse; Section 329-3, HRS, Requiring a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances; Section 10 of Act 161, SLH 2002, Requiring a Status Report on the Coordination of Offender Substance Abuse Treatment Programs; and Section 29 of Act 40, SLH 2004, Requiring a Progress Report on the Substance Abuse Treatment Monitoring Program.

Gov. Msg. No. 118, dated January 12, 2011, transmitting the Report pursuant to Section 349-5(b)(2), HRS, Requiring the Executive Office on Aging to Provide an Annual Evaluation Report on Elder Programs.

Gov. Msg. No. 119, dated January 12, 2011, transmitting the Report pursuant to Chapters 128D and 128E, HRS, Requiring the Department of Health to Report Environmental Response Law and Hawaii Emergency Planning and Community Right to Know Act Financial and Environmental Site Information, FY 2010.

Gov. Msg. No. 120, dated January 18, 2011, transmitting a Report Relating to Early Education, prepared by the Department of Education pursuant to Act 183, SLH 2010.

Gov. Msg. No. 121, dated January 18, 2011, transmitting a Report Relating to Early Learning, prepared by the Department of Education pursuant to Act 14, SLH 2008, Special Session.

Gov. Msg. No. 122, dated January 19, 2011, transmitting a Report on the Emergency Appropriation for Natural Disasters, prepared by Hawaii State Civil Defense pursuant to Act 78, SLH 2007, and Act 76, SLH 2009.

INTRODUCTIONS

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

Representative Nakashima introduced the members of the Honoka'a Dragons Girls Basketball Team participating in the Girls High School State Basketball Tournament.

Team Members:

Ms. Demi Liu;
 Ms. Yvonne Daniels;
 Ms. Shamika Frazier;
 Ms. Disa Wilson;
 Ms. Precious Chong;
 Ms. Chelsea Requelman;
 Ms. Kasie Wilson;
 Ms. Kalei Lum;
 Ms. Dezlie Gibo;
 Ms. Sheena Taei;
 Ms. Sheana Jardine;
 Ms. Jacielyn Huddy Mendoza; and
 Ms. Alyssa Fujii.

Managers:

Ms. Kayla Requelman;
 Ms. Gianni Balino;

Ms. Jasmine Castro; and
Ms. Shayla Ignacio.

Coaching Staff:

Mr. James Lukzen, Head Coach;
Ms. Tracie Balino, Assistant Coach; and
Ms. Kahea Schukert, Athletic Trainer.

Representative Chang introduced former Representative Jon Riki Karamatsu, and Ms. Trisha Nakamatsu of the City Department of the Prosecuting Attorney.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 10) recommending that H.B. No. 917, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 917, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 11) recommending that H.B. No. 538, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 538, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 12) recommending that H.B. No. 1016, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1016, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. Thank you. I am in the process of purchasing an electric vehicle. I should get the Nissan Leaf within a month," and the Chair ruled, "no conflict."

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

"Mr. Speaker. On Stand. Com. Rep. No. 12, I just needed to request a ruling on a potential conflict. My wife's firm works for Better Place Hawaii, which is putting together an electric car recharging station grid," 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. 1016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 13) recommending that H.B. No. 823, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 823, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 14) recommending that H.B. No. 833, pass Second Reading and be referred jointly to the Committee on Housing and the Committee on Health.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 833, pass Second Reading and be referred jointly to the Committee on Housing and the Committee on Health, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 833, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred jointly to the Committee on Housing and the Committee on Health.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 15) recommending that H.B. No. 84, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 16) recommending that H.B. No. 371, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 371, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 371, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 17) recommending that H.B. No. 467, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 467, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Fontaine 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. 467, entitled: "A BILL FOR

AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 18) recommending that H.B. No. 399, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 399, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with strong reservations on this bill. This bill adds \$200 million to our deficit; \$30 million per year, in addition to interest would start if it passes, last July. I stand in not denying that we owe OHA \$200 million, but the time to pay and this amount to pay at this time is not called for, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 399, entitled: "A BILL FOR AN ACT RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 19) recommending that H.B. No. 908, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 20) recommending that H.B. No. 951, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 951, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine 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. 951, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 21) recommending that H.B. No. 1054, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1054, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 22) recommending that H.B. No. 1055, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1055, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

At 12:16 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 23) recommending that H.B. No. 1058, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1058, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I am standing in reservation of this measure. I object to using bond financing to purchase equipment."

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

"Mr. Speaker, I have the same reservations. In the same way we don't buy houses with credit cards, buying computers that are short range, with long range bond money, 30 years or plus for a computer that lasts a couple of years, that's probably not a good financing mechanism. 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. 1058, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 24) recommending that H.B. No. 1015, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 25) recommending that H.B. No. 855, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 855, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 26) recommending that H.B. No. 423, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 27) recommending that H.B. No. 325, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Transportation.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 28) recommending that H.B. No. 627, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 29) recommending that H.B. No. 1286, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.," passed Second Reading and was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 29) and concurrent resolution (H.C.R. No. 34) were referred to Printing and further action was deferred:

H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi and Belatti.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi and Belatti.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. I have a few announcements today, if I may? First of all tomorrow is Celebrate National Wear Red Day. And I wanted to mention some of the facts associated with heart disease.

"Diseases of the heart are the nation's leading cause of death. Too many women die each year because they're unaware that heart disease is their number one killer. Nearly as many women die of heart disease than all four leading causes of death combined. February is designated as American Heart Month, and in Hawaii we are urging all citizens to show their support for women in the fight against heart disease by commemorating this day by wearing the color of red tomorrow, and increasing awareness, speaking up about heart disease, and empowering women to reduce their risk for cardiovascular disease.

"Segueing into something that is associated with the color red. Sorry, I don't have *li si* for you all today. It is, as we all know, it is Chinese New Year, the Year of the Rabbit. If I may, I would just like to share about the Year of the Rabbit.

"According to Chinese tradition, the rabbit brings a year where you can catch your breath, and calm your nerves, in contrast to last year's Year of the Tiger. It is a time for negotiation. Do not force issues, it says here, or

you will ultimately fail. It's a time for family, security and diplomacy. Make it a goal to create peaceful and safe lifestyles, and then you will calmly deal with any problem that arises.

"But not many people know that actually the rabbit is the symbol of the moon, which is the symbol of the female energy. Whereas the peacock, the symbol of the sun, is the male energy. But yet together these two animals create the health of life, the *ying*, the *yang*. And so with that they say, With white light and granting you fearlessness, have love, have courage. Take care of the women in your life, and take care of your family.

"So with that, I just wanted to mention *Kung Hee Fat Choy. San Nian Faai Lok. San Tain Kin Hong.*"

Representative Ward: "Mr. Speaker, I wanted to thank, as an honorary member of the Chinese Caucus or the Chinese Coalition, I wanted to thank the purveyor of this gift that's on all of our desks, Speaker Say. And wish everyone a *Kung Hee Fat Choy.*"

ADJOURNMENT

At 12:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, January 4, 2011. (Representative Chang was excused.)