

NINTH DAY

Thursday, January 31, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:07 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Pastor Waxer Tipton of One Love Ministries in Kaimuki, after which the Roll was called showing all Members present.

On motion by Representative Awana, seconded by Representative Fukumoto and carried, reading of the Journal was dispensed with and the Journal of the First Day was approved. (Representatives Lee and Thielen were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 210 through 216) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 210, dated January 25, 2013, requesting immediate passage of H.B. No. 800, Making an Emergency Appropriation to the Department of Business, Economic Development, and Tourism from the Energy Security Special Fund. This measure appropriates \$145,000 to staff and support the Hawai'i Refinery Task Force.

Gov. Msg. No. 211, dated January 25, 2013, requesting immediate passage of H.B. No. 832, Making Emergency Appropriations for Collective Bargaining Cost Items. This measure provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 9 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 212, dated January 25, 2013, requesting immediate passage of H.B. No. 833, Making Emergency Appropriations for Collective Bargaining Cost Items. This measure provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 10 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 213, dated January 25, 2013, requesting immediate passage of H.B. No. 834, Making Emergency Appropriations for Collective Bargaining Cost Items. This measure provides fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining unit 11 and its excluded counterparts for fiscal biennium 2011-2013.

Gov. Msg. No. 214, dated January 25, 2013, requesting immediate passage of H.B. No. 871, Making an Emergency Appropriation to the Department of Human Services from the Hospital Sustainability Program Special Fund. This measure appropriates \$43,000,000 from the Hospital Sustainability Program Special Fund.

Gov. Msg. No. 215, dated January 25, 2013, requesting the immediate passage of H.B. No. 872, Making an Emergency Appropriation to the Department of Human Services from the Nursing Facility Sustainability Program Special Fund. This measure appropriates \$12,000,000 from the Nursing Facility Sustainability Program Special Fund.

Gov. Msg. No. 216, dated January 25, 2013, requesting the immediate passage of H.B. No. 943, Making Emergency Appropriations for the Operations of the Office of the Lieutenant Governor. This measure appropriates funds for costs associated with the operations of the Office of the Lieutenant Governor.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 70 through 72) were received by the Clerk and were placed on file:

Dept. Com. No. 70, from the Department of Education, dated January 16, 2013, transmitting its Operating Budget Request, Fiscal Biennium 2013-2015.

Dept. Com. No. 71, from the Hawaii Health Systems Corporation, dated January 22, 2013, transmitting the Annual Audit and Report for FY2012, pursuant to Section 323F-22, HRS.

Dept. Com. No. 72, from the University of Hawai'i, dated January 29, 2013, transmitting the Annual Report on General Fund Transfers FYE2012, pursuant to Section 37-74(d), HRS.

INTRODUCTIONS

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

Representative Kawakami, on behalf of the Kauai delegation, introduced from the Waipa Foundation: Ms. Stacy Sproat-Beck, Executive Director, and Ms. Johanna Ventura, Operations Manager.

Representative Takumi introduced Ms. Karen Korematsu, daughter of national civil rights hero, Mr. Fred Korematsu, and co-founder of the Fred T. Korematsu Institute for Civil Rights and Education.

Representative Evans introduced a former member of her staff, Mr. Brendan Rasheed.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 7) recommending that H.B. No. 87 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 87, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 8) recommending that H.B. No. 402, 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. 402, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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. 402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 9) recommending that H.B. No. 521 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 521, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 10) recommending that H.B. No. 536 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 536, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 11) recommending that H.B. No. 514, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 514, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 12) recommending that H.B. No. 532, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 13) recommending that H.B. No. 276, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SENIOR RESIDENCE AT PIKIOI, OAHU," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 14) recommending that H.B. No. 414, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 414, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIPIO VALLEY," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 15) recommending that H.B. No. 561 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. 561 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I'd like to register a no vote for Standing Committee Report Number 15. I read the handout from DLNR. I wasn't here the last two years obviously, but I think it's certainly a well intended measure and we all want to protect the environment. But I think the amount that is extensively protected is very small, and it is being done with fences, which in the salt air in our climate will rust and will have to be replaced in a few years, and I think that the pigs and the goats will find a way around it.

"So I think there are more cost effective ways to do it, whether it's hunting, snares or other means, putting a bounty on the feral animals to get them instead of starting a new program with new employees, etc. So, a no vote, please."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 561, entitled: "A BILL FOR AN ACT RELATING TO WATERSHED INITIATIVES," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting no, and with Representative Thielen being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 16) recommending that H.B. No. 935, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 935, HD 1 pass Second Reading and be referred to the Committee on Housing, seconded by Representative Awana.

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

"Mr. Speaker, I'd like to cast a no vote on that. That is a tax increase. In the last two years, previous biennium, there were 29 new taxes and fees increased. These all trickle down to the middle class and the working folks, and we all pay in one way or another. This seems to have a nexus with the previous bill where it funds it. Again, I think our priorities are skewed. I think if we're going to focus on the limited resources that we have, we should focus on education and fixing our schools instead of pursuing things that have a marginal impact, which explains my previous no vote. Thank you."

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

Representative Cheape 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. 935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Housing, with Representatives Fale and McDermott voting no, and with Representative Thielen being excused.

Representative Cabanilla, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 17) recommending that H.B. No. 530 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Awana, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Thielen was excused.)

THIRD READING

H.B. No. 423:

On motion by Representative Saiki, seconded by Representative Awana and carried, H.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," passed Third Reading by a vote of 50 ayes, with Representative Thielen being excused.

At 12:22 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 423

ANNOUNCEMENTS

Representative Choy, for the Committee on Higher Education, requested a waiver of the 48-hour advanced notice requirement for the purpose of decision-making on the following measure this afternoon, at 2:00 p.m. in Conference Room 309, and the Chair "so ordered."

H.B. No. 114, Relating to Higher Education.

Representative Hanohano: "I would like to invite everybody up to Room 423. Today the Governor is going to make a proclamation for *Mahina 'Ōlelo Pepeluali*. This is the Hawaiian Language month, for the month of February. The ceremony is at 1:30 p.m., and after the ceremony we'll be having a reception and refreshments in Room 423. *Mahalo*."

Representative Lee: "Thank you. I just want to send out a reminder that the Committee on Energy & Environmental Protection will be having decision-making on our morning agenda at 1:30 p.m. in Room 325. Thank you."

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

- 1 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 166 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
- 489 Jointly to the Committee on Agriculture and the Committee on Water & Land
- 662 Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land

- 697 Committee on Labor & Public Employment, then to the Committee on Finance
- 734 Jointly to the Committee on Agriculture and the Committee on Water & Land
- 832 Committee on Labor & Public Employment, then to the Committee on Finance
- 833 Committee on Labor & Public Employment, then to the Committee on Finance
- 874 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 1282 Committee on Veterans, Military, & International Affairs, & Culture and the Arts
- 1319 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
- 1322 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
- 1412 Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land

ADJOURNMENT

At 12:23 o'clock p.m., on motion by Representative Awana, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 1, 2013. (Representative Thielen was excused.)