

TWENTY-SECOND DAY

Wednesday, February 20, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:04 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Ms. Kainoa K. Kaumeheiwa-Rego of House Minority Research Office, 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 Twenty-First Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1101) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1101, informing the House that on February 14, 2013, the following bill was signed into law:

H.B. No. 26, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION." (ACT 001)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 29 through 33) were received and announced by the Clerk:

Sen. Com. No. 29, transmitting S.B. No. 707, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on February 19, 2013.

Sen. Com. No. 30, transmitting S.B. No. 870, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS," which passed Third Reading in the Senate on February 19, 2013.

Sen. Com. No. 31, transmitting S.B. No. 890, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," which passed Third Reading in the Senate on February 19, 2013.

Sen. Com. No. 32, transmitting S.B. No. 1000, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," which passed Third Reading in the Senate on February 19, 2013.

Sen. Com. No. 33, transmitting S.B. No. 1016, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF COVERED OFFENDERS," which passed Third Reading in the Senate on February 19, 2013.

On motion by Representative Awana, seconded by Representative Fukumoto and carried, the following Senate Bills passed First Reading by title and further action was deferred:

S.B. No. 707, SD 2
S.B. No. 870, SD 1
S.B. No. 890, SD 1
S.B. No. 1000, SD 1
S.B. No. 1016, 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 – Ho'omaha.
Ho'omaha – rest.
E ho'omaha kākou i kala 'apōpō. Let's rest tomorrow.
Mahalo.*"

At 12:11 o'clock p.m., Representative Awana requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 31) was announced by the Clerk and the following action taken:

H.R. No. 31, entitled: "HOUSE RESOLUTION CONGRATULATING THE HONOLULU CHINESE JAYCEES ON THE OCCASION OF ITS 60TH ANNIVERSARY," was offered by Representative Nakashima.

Representative Nakashima moved that H.R. No. 31 be adopted, seconded by Representative Onishi.

Representative Nakashima recognized the Honolulu Chinese Jaycees, past recipients of the Harold A. Marks Award, as an organization of boundless opportunity for young adults to improve their professional skills and assist their community, and congratulated them on their 60th anniversary.

Representative Onishi introduced the honorees seated on the Floor of the House:

Mr. Patrick Taw, incoming President, 2013;
Ms. Krystal Wu, current President, 2012;
Mr. Ryan Ng, past President;
Mr. Christopher Loo, incoming Vice President; and
Mr. Ryan Hew, incoming Treasurer.

Representative Onishi then recognized guests seated in the gallery:

Members of the Honolulu Chinese Jaycees: Uyen Vong, John Cummings, Yvette Lee, Ana Che, Lily Fung, Gerald Chung, Rae Ann Okunami, Kristine Duong, Jeewa Ching, Eddie Kam, Rena Hwang, Karen Lee Sur and Kalene Sakamoto.

Member of the Honolulu Japanese Junior Chamber: Nathan Gyotaku.

Representative Rhoads thanked the Honolulu Chinese Jaycees for all they do for Chinatown, and congratulated them on their 60th anniversary.

Representative Ward noted the importance of the Honolulu Chinese Jaycees with the increase in visitors to Hawaii from China, and wished them luck in the future.

The motion was put to vote by the Chair and carried, and H.R. No. 31 was adopted.

At 12:19 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

REPORTS OF STANDING COMMITTEES

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 524 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. 524, entitled: "A BILL FOR AN ACT RELATING TO THE HONOR AND REMEMBER FLAG," passed Second Reading and was placed on the calendar for Third Reading.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 489, 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 Awana and carried, the report of the Committees was adopted and H.B. No. 489, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDING PERMITS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 763, 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. 763, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Awana.

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

"Thank you, Mr. Speaker, just a ruling on a potential conflict. My son is the president of the Building Industry Association. Thank you," 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 763, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," passed Second Reading and was placed on the calendar for Third Reading.

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.

REPORTS OF STANDING COMMITTEES

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 932, HD 1 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 932, HD 1 pass Third Reading, seconded by Representative Awana.

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

"Mr. Speaker, I rise in opposition to the measure. Mr. Speaker, this is rather esoteric, hard to understand, but I think I've finally seen the light underneath the surface here.

"This bill is about wrapping geothermal into Chapter 182, which basically says, if you find gold under your backyard, it belongs to the State. If you find oil in your backyard, it belongs to the State. And this is an attempt to bring geothermal into the resources and the minerals of the State.

"The problem I have with it, other than believing that your backyard, your castle and those resources are your own, is that this is going to increase probably the taxes, fees, and heretofore the cost of cheap electricity by geothermal to make it more expensive. Mr. Speaker, we need this source of geothermal to be as least expensive as possible and right now geothermal energy is the least expensive. But if we wrap it around this category in Chapter 182, it's going to make it be regulated, taxed, fee'd, etc., like any other resource.

"The difficulty of this bill, you can see if we were in Texas or Alaska or even California when the Forty-Niners had the gold rush. When they said, 'well wait, you can't have that gold, it belongs to the state.' In effect what we're doing now with geothermal saying, 'if you've got geothermal on your land, it's not yours, just like all the other resources.'

"For those reasons, Mr. Speaker, and I would gladly yield to anyone who can say that this is not what it is in the interpretation, because it's not really apparent what they're up to. But the way I read it and the way that some of us see it, it probably is not a good move for the future. So I hope somebody can rebut what I've just said. 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. 932, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINERAL RESOURCES," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fale, McDermott and Ward voting no.

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

H.B. No. 932, HD 1

Representatives Hanohano and Evans, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 635), recommending that H.C.R. No. 5 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.C.R. No. 5 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I'd like to request a ruling on a potential conflict of interest. My family owns Kuleana Lands. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING KULEANA LANDS AS HISTORICAL LANDS AND URGING THE COUNTIES TO SUPPORT EFFORTS TO PROMOTE CONTINUED ANCESTRAL OWNERSHIP OF KULEANA LANDS," was referred to the Committee on Finance.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 636), recommending that H.C.R. No. 25 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 25 be referred to the Committee on Finance, seconded by Representative Awana.

Representative Jordan rose and asked that the Clerk record a no vote 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 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. 25, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was referred to the Committee on Finance, with Representatives Hanohano and Jordan voting no.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 637) recommending that H.C.R. No. 14 be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 14 be adopted, seconded by Representative Awana.

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

"*Ke ku nei au me ke kako'o loa make ia pila.* I stand in strong support of this measure. This bill corrects the Native Hawaiian's lifestyle and also their health issues, because this is having food for the table. *Mahalo.*"

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

"Mr. Speaker, in strong support. This measure, for indigenous peoples, is very important. Especially those of Polynesia and the Pacific Islands, because it allows an opportunity for people to reconnect with a lot of the heritage which is connected with the sea turtle. I think this will go a long way in helping to reconnect Hawaiian people, especially with the culture associated with the turtle, and will help preserve Hawaiian culture, Mr. Speaker."

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

"Mr. Speaker, thank you. In strong support. Very briefly, first of all, I want to thank the Chair of Ocean, Marine Resources, & Hawaiian Affairs for getting this measure out. As the former Vice Chair of Water, Land, & Ocean Resources, we had tried for many years to get this out, and so I want to commend her for moving out such an important resolution.

"In addition, Mr. Speaker, may I request permission to enter written comments into the Journal? Thank you."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.C.R. 14, relating to the Hawaiian green sea turtle.

"I support H.C.R. 14 because I believe that the Hawaiian green sea turtle, or *honu*, should be recognized as a discrete population segment (DPS), separate from that of the endangered green sea turtle. Studies have shown the resurgence of the Hawaiian green sea turtle population and have deemed it a species of 'Least Concern.' As a result, it no longer requires the protection of Endangered Species Act. If the Hawaiian green sea turtle is categorized as a DPS, it would allow Hawaii to create a management system particular to the *honu* which may further benefit the species. For these reasons, I stand in strong support. Thank you."

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

"Mr. Speaker, thank you. With respect to the Chair, I rise in opposition. And just a note that, the current breeding population is still at less than 20% of what constitutes a stable breeding population, and we may be premature at this time. Thank you."

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

Representative Hanohano rose to respond, stating:

"Just a slight rebuttal. They're talking about the premature recovery of the *honu*, which is a misconception, because we do have a lot of imbalances within the ocean, primarily because we have a lot of turtles. Now the turtles are swimming up into the rivers and eating all the foliage there because they do not have any food in the ocean and they have to compete with everybody else for their food. So it's been creating a lot of imbalances, and to me we need to manage it, and this is where this bill is going.

"It's a management plan. It is not to take all, and for indigenous people to eat all the turtle. This is more of putting things back into perspective of how things should have been.

"Because we do a lot of federal mandate types of laws and that upsets our ecosystem. So our ecosystem right now is being upset because of these laws. So in order to put it back in perspective, from an indigenous point of view, we need to manage it, and also part of the management is to capture and also to provide food for our tables. *Mahalo.*"

Representative Awana rose in support of the measure and asked that the remarks of Representative Hanohano be entered into the Journal as her own, and that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in support. Although the Hawaiian green sea turtles will be delisted, this will by no means lead to the automatic harvesting of this important species. Monitoring will continue to ensure that the population increases. Thank you, Mr. Speaker."

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

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

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

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

"Mr. Speaker, in strong support. May the words of the Representative from Puna be recorded as my own? Thank you very much," and the Chair "so ordered." (By reference only.)

Representative Har rose in support of the measure and asked that the remarks of Representative Hanohano 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.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES TO RECOGNIZE THE RECOVERY OF HAWAIIAN GREEN SEA TURTLES AND BEGIN ACTIVE MANAGEMENT OF THIS IMPORTANT SPECIES," was adopted, with Representatives Lee, Lowen and Wooley voting no.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 30) and concurrent resolutions (H.C.R. Nos. 47 and 48) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM," was jointly offered by Representatives Tsuji, Coffman, Evans, Hanohano, Ichiyama, Lowen, Nakashima, Onishi and Choy.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE GOVERNMENT CONTRACTING TASK FORCE TO DEVELOP RECOMMENDATIONS TO ADDRESS ISSUES THAT AFFECT PROCUREMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, INCLUDING HUMAN SERVICE NONPROFIT ORGANIZATIONS THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, COMMUNITIES, AND OTHER SMALL BUSINESSES," was offered by Representative Tsuji.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM," was jointly offered by Representatives Tsuji, Coffman, Evans, Hanohano, Ichiyama, Lowen, Nakashima, Onishi and Choy.

ANNOUNCEMENTS

Representative Nakashima: "Thank you, Mr. Speaker. I'd like to invite all Members to join us for a reception with the Honolulu Chinese Jaycees in Room 329 upstairs immediately following Session. Thank you."

Representative Ward: "And after they do that, Mr. Speaker, they are invited to the fellowship luncheon in Room 437. Thank you."

Speaker Souki: "The House will be in recess from Thursday, February 21st through Wednesday, February 27th."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
24	Committee on Housing, then to the Committee on Water & Land
26	Committee on Economic Development & Business, then to the Committee on Finance
27	Committee on Transportation, then to the Committee on Finance
28	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Public Safety
29	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
30	Committee on Higher Education, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
43	Committee on Housing, then to the Committee on Water & Land

44	Committee on Economic Development & Business, then to the Committee on Finance
45	Committee on Transportation, then to the Committee on Finance
46	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land
47	Committee on Economic Development & Business, then to the Committee on Consumer Protection & Commerce
48	Committee on Higher Education, then to the Committee on Finance
<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
44, SD1	Committee on Public Safety, then to the Committee on Health
48	Committee on Education, then to the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Economic Development & Business
54, SD1	Committee on Human Services
198	Committee on Health, then to the Committee on Consumer Protection & Commerce
306, SD1	Committee on Human Services, then to the Committee on Finance
319	Jointly to the Committee on Energy & Environmental Protection and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Consumer Protection & Commerce
328, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
404	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Public Safety, then to the Committee on Finance
423	Committee on Health, then to the Committee on Consumer Protection & Commerce
454, SD1	Committee on Energy & Environmental Protection, then to the Committee on Water & Land
507, SD1	Committee on Housing, then to the Committee on Consumer Protection & Commerce
531, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
839	Committee on Public Safety
886	Committee on Judiciary, then to the Committee on Finance
913, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1001	Committee on Economic Development & Business, then to the Committee on Finance
1014, SD1	Committee on Public Safety, then to the Committee on Judiciary

1015, Committee on Public Safety, then to the Committee on
SD1 Judiciary

1075 Committee on Health, then to the Committee on Consumer
Protection & Commerce

1079 Committee on Health, then to the Committee on Consumer
Protection & Commerce

1116, Committee on Housing, then to the Committee on Finance
SD1

1230 Jointly to the Committee on Transportation and the Committee
on Labor & Public Employment, then to the Committee on
Finance

COMMITTEE REASSIGNMENTS

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

H.B.

No. Re-referred to:

72 Committee on Judiciary

H.C.R.

No. Re-referred to:

26 Committee on Water & Land, then to the Committee on
Finance

ADJOURNMENT

At 12:40 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, Thursday, February 28, 2013.

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"February 20, 2013

The Honorable Neil Abercrombie
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Abercrombie:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following bill, a copy of which is attached hereto:

S.B. No. 886

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

Respectfully,
/s/ Carol Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosures

cc: Brian Takeshita
Clerk of the House"