

TWENTY-NINTH DAY

Tuesday, March 12, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:09 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Bob McDermott, 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-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 236) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 236, dated March 8, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Departments of Commerce and Consumer Affairs (DCCA) and Transportation (DOT).

INTRODUCTIONS

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

Representative Wooley introduced DLNR Director, Mr. William Aila, Jr., and his wife, Melva Aila; and family of Mr. Louis "Buzzy" Agard: Mr. Louis Agard III, Mr. Louis Agard IV, Mr. Kekuni Agard and Ms. Carol Agard.

Representative Cullen, on behalf of Representative Har and himself, introduced students from Mauka Lani Elementary School: Shai Paige, Taysha Paige, Reina Fukuoka, Genesis English-Marcello, Lilikoi Camp-Madijanon, Alexander Heinze, Kendric Abe, Eric Thomas, Isaac Maluina, Amy Sotoa, Nicole Namohala, Annie Heinze, Haley Burley, Mikayla Rita, Julie Jeong, Blaze Kamoku, Jonathan Sanderson, Tiani Madriaga, Brendyn Knight, Keila Kamoku, Raysen Palakiko, Olivia Maddock, Kaimi Kalaukahi-Castaneda, Manea Kaawaloa, Raiden Fia, Matthew Nakadakari and Zachary Tamura; and their teacher, Ms. Arisa Domingo.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 75) was announced by the Clerk and the following action taken:

H.R. No. 75, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE AND GRATITUDE FOR THOSE EXCEPTIONAL INDIVIDUALS WHO HAVE SHOWN OUTSTANDING COMMITMENT TO ESTABLISHING THE PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT," was offered by Representative Wooley.

Representative Wooley moved that H.R. No. 75 be adopted, seconded by Representative Morikawa.

Representative Lee noted the importance of the Papahānaumokuākea Marine National Monument in preserving the coral reef, marine and wildlife of the Hawaiian Islands, the largest public conservation trust in the United States and first mixed natural and cultural World Heritage Site, and congratulated and thanked them for their work.

Representative Wooley introduced and recognized honorees seated on the Floor of the House:

Mr. Timothy Johns, Chair, North Western Hawaiian Islands (NWHI) Ecosystem Reserve Advisory Council.

Ms. Aulani Wilhelm, Superintendent, Papahānaumokuākea Marine National Monument.

Mr. Louis "Buzzy" Agard, Native Hawaiian *Kupuna*, North Western Hawaiian Islands (NWHI) Reserve Advisory Council.

The motion was put to vote by the Chair and carried, and H.R. No. 75 was adopted.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 929), recommending that H.C.R. No. 6 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.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS," was referred to the Committee on Judiciary, with Representatives Say and Tokioka being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 930), recommending that H.C.R. No. 23, as amended in HD 1, 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.C.R. No. 23, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR IMPROVING OBESITY PREVENTION-RELATED SERVICES AND COUNSELING IN ACCORDANCE WITH THE IMPLEMENTATION OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT," was referred to the Committee on Finance, with Representatives Say and Tokioka being excused.

Representatives Belatti and Carroll, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep. No. 931), recommending that H.C.R. No. 18, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.C.R. No. 18, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO ADVISE THE SPECIAL ACTION TEAM ON THE OPTIMAL NUMBER OF FORENSIC EXAMINATIONS NECESSARY FOR FELONY CASES," was referred to the Committee on Judiciary, with Representatives Say and Tokioka 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 Senate Bill for Third Reading by consent calendar. (Representatives Say and Tokioka were excused.)

THIRD READING**S.B. No. 1174, SD 1:**

On motion by Representative Saiki, seconded by Representative Awana and carried, S.B. No. 1174, SD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OPERATIONS OF THE OFFICE OF THE LIEUTENANT GOVERNOR," passed Third Reading by a vote of 49 ayes, with Representatives Say and Tokioka being excused.

At 12:48 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1174, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 66 through 74) and concurrent resolutions (H.C.R. Nos. 82 through 97) were referred to Printing and further action was deferred:

H.R. No. 66, entitled: "HOUSE RESOLUTION URGING ALL HEALTH CARE PROVIDERS IN HAWAII THAT PERFORM ORGAN TRANSPLANTATION TO CONSIDER PLACING HIV-POSITIVE PATIENTS WHO NEED AN ORGAN TRANSPLANT ON AN ORGAN TRANSPLANT WAITLIST," was offered by Representative McDermott.

H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING THE CONTRACTORS LICENSE BOARD TO PREPARE A REPORT THAT EVALUATES EACH AUTOMATIC SPECIALTY LICENSE ISSUED TO "A" GENERAL ENGINEERING CONTRACTORS AND "B" GENERAL BUILDING CONTRACTORS," was jointly offered by Representatives McKelvey, Brower, Cabanilla, Carroll, Evans, Lee, Souki, Tsuji and Belatti.

H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY EXAMINING THE PARITY OF THE CURRENT TAX FEE STRUCTURE IMPOSED ON VIDEO PROGRAMMING SERVICE PROVIDERS," was offered by Representative McKelvey.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO DETERMINE AN EFFECTIVE AND EFFICIENT PROCEDURE TO ENSURE THAT OUT-OF-STATE DESIGN PROFESSIONALS PRACTICING IN HAWAII ARE PAYING APPROPRIATE STATE TAXES," was jointly offered by Representatives McKelvey, Choy, Evans, Kawakami, Souki and Tsuji.

H.R. No. 70, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY WITH COOPERATION FROM THE DEPARTMENT OF HEALTH AND THE HAWAII VISITORS AND CONVENTION BUREAU TO IMPROVE MARKETING AND VISITOR INFORMATION STRATEGIES TO ATTRACT DISABLED TRAVELERS TO HAWAII," was jointly offered by Representatives Hashem and Oshiro.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE CIVIL DEFENSE TO CONDUCT A STUDY REGARDING WHAT ACTIONS SHOULD BE TAKEN WHEN PEOPLE REFUSE TO LEAVE THEIR HOMES OR CLOSE THEIR BUSINESSES LOCATED IN EVACUATION ZONES DURING NATURAL DISASTERS," was offered by Representative Aquino.

H.R. No. 72, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII DEPARTMENT OF DEFENSE AND THE MILITARY AFFAIRS COUNCIL OF THE CHAMBER OF COMMERCE OF HAWAII TO ESTABLISH A WORKING GROUP TO ASSESS THE FEASIBILITY OF A CONSOLIDATED MILITARY TRANSITION, IMMERSION, AND EDUCATION CENTER," was jointly offered by Representatives Ito, Carroll, Har, Hashem, Luke, Nishimoto, Say, Takai, Tokioka, Tsuji and Nakashima.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES TO ESTABLISH REASONABLE CRITICAL HABITAT DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE," was offered by Representative Souki.

H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A SYSTEMWIDE REVIEW OF ITS OVERSIGHT, MONITORING, AND ACCOUNTABILITY OF THE OPERATIONAL AND FISCAL PRACTICES OF THE DEPARTMENT'S SCHOOL FOOD SERVICES BRANCH," was offered by Representative Ohno.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HEALTH CARE PROVIDERS IN HAWAII THAT PERFORM ORGAN TRANSPLANTATION TO CONSIDER PLACING HIV-POSITIVE PATIENTS WHO NEED AN ORGAN TRANSPLANT ON AN ORGAN TRANSPLANT WAITLIST," was offered by Representative McDermott.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RESTRIPE SOUTHBOUND LANES OF FORT WEAVER ROAD FROM TWO LANES TO THREE LANES BEGINNING AT THE FORT WEAVER ROAD AND H-1 OVERPASS," was jointly offered by Representatives McDermott, Har, Cabanilla, Fale, Fukumoto, McKelvey, Saiki and Ward.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO USE THE H-1 FREEWAY ZIPPER LANE DURING THE AFTERNOON RUSH HOUR FOR WESTBOUND TRAFFIC," was jointly offered by Representatives McDermott, Fukumoto, McKelvey, Cabanilla, Fale, Har, Saiki and Ward.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTRACTORS LICENSE BOARD TO PREPARE A REPORT THAT EVALUATES EACH AUTOMATIC SPECIALTY LICENSE ISSUED TO "A" GENERAL ENGINEERING CONTRACTORS AND "B" GENERAL BUILDING CONTRACTORS," was jointly offered by Representatives McKelvey, Brower, Carroll, Evans, Lee, Tsuji, Belatti, Cabanilla and Souki.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PROFESSIONAL AND VOCATIONAL LICENSING DIVISION TO CONVENE A WORKING GROUP TO CONSIDER STREAMLINING OR CONSOLIDATING ANY OF THE LICENSING BOARDS AND COMMISSIONS WITHIN THE PURVIEW OF THE DIVISION," was offered by Representative McKelvey.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO DETERMINE AN EFFECTIVE AND EFFICIENT PROCEDURE TO ENSURE THAT OUT-OF-STATE DESIGN PROFESSIONALS PRACTICING IN HAWAII ARE PAYING APPROPRIATE STATE TAXES," was jointly offered by Representatives McKelvey, Choy, Evans, Kawakami, Souki and Tsuji.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY EXAMINING THE PARITY OF THE CURRENT TAX FEE STRUCTURE IMPOSED ON VIDEO PROGRAMMING SERVICE PROVIDERS," was offered by Representative McKelvey.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CIVIL DEFENSE TO CONDUCT A STUDY REGARDING WHAT ACTIONS SHOULD BE TAKEN WHEN PEOPLE REFUSE TO LEAVE THEIR HOMES OR CLOSE THEIR BUSINESSES LOCATED IN EVACUATION ZONES DURING NATURAL DISASTERS," was offered by Representative Aquino.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII DEPARTMENT OF DEFENSE AND THE MILITARY AFFAIRS COUNCIL OF THE CHAMBER OF COMMERCE OF HAWAII TO ESTABLISH A WORKING GROUP TO ASSESS THE FEASIBILITY OF A CONSOLIDATED MILITARY TRANSITION, IMMERSION, AND EDUCATION CENTER," was jointly offered by Representatives Ito, Carroll, Har, Hashem, Luke, Nakashima, Nishimoto, Say, Takai, Tokioka and Tsuji.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADMINISTRATOR OF THE DIVISION OF AQUATIC RESOURCES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A MARINE GAME FISHING TASK FORCE," was jointly offered by Representatives Evans and Hanohano.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH MANDARIN CHINESE LANGUAGE CURRICULUM IN PUBLIC HIGH SCHOOLS," was offered by Representative Takumi.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO INCLUDE IN THE SOCIAL STUDIES CURRICULUM THE POLITICAL, ECONOMIC, AND SOCIAL CONTRIBUTIONS OF PERSONS WITH DISABILITIES," was offered by Representative Takumi.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP AND ADOPT GUIDELINES FOR THE TRAINING OF SCHOOL EMPLOYEES AND QUALIFIED VOLUNTEERS TO PROVIDE CARE TO STUDENTS WITH DIABETES," was offered by Representative Takumi.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO EVALUATE THE COMPREHENSIVE PLAN FOR TEACHING READING IN HAWAII SCHOOLS AND TO MOVE FORWARD WITH APPROPRIATE IMPLEMENTATION," was offered by Representative Takumi.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES TO ESTABLISH REASONABLE CRITICAL HABITAT DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE," was offered by Representative Souki.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A SYSTEMWIDE REVIEW OF ITS OVERSIGHT, MONITORING, AND ACCOUNTABILITY OF THE OPERATIONAL AND FISCAL PRACTICES OF THE DEPARTMENT'S SCHOOL FOOD SERVICES BRANCH," was offered by Representative Ohno.

COMMITTEE REASSIGNMENTS

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

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
215, SD3	Jointly to the Committee on Economic Development & Business and the Committee on Water & Land, then to the Committee on Finance
1118, SD1	Jointly to the Committee on Housing and the Committee on Labor & Public Employment, then to the Committee on Finance
1138	Committee on Health, then to the Committee on Judiciary
1166, SD1	Committee on Water & Land, then to the Committee on Finance

ADJOURNMENT

At 12:48 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, Wednesday, March 13, 2013. (Representatives Say and Tokioka were excused.)