

FIFTY-THIRD DAY

Friday, April 24, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:04 o'clock p.m., with Vice Speaker Magaoy presiding.

The invocation was delivered in song by Ms. Soteria Leti, Ms. Saloma Leti and Ms. Reena Misionare of Nanakuli Samoan Wesleyan Methodist Church, after which the Roll was called showing all Members present with the exception of Representatives Bertram, M. Oshiro, Souki, Takai and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 300 through 304) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 300, informing the House that on April 23, 2009, the following bill was signed into law:

H.B. No. 274, entitled: "A BILL FOR AN ACT RELATING TO PATRIOT DAY." (ACT 014)

Gov. Msg. No. 301, informing the House that on April 23, 2009, the following bill was signed into law:

H.B. No. 135, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INSECT." (ACT 015)

Gov. Msg. No. 302, informing the House that on April 23, 2009, the following bill was signed into law:

S.B. No. 1055, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS." (ACT 016)

Gov. Msg. No. 303, informing the House that on April 23, 2009, the following bill was signed into law:

H.B. No. 1537, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS." (ACT 017)

Gov. Msg. No. 304, dated April 24, 2009, informing the House that on April 23, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1186 HD1

On April 23, 2009, House Bill No. 1186, entitled "A Bill for an Act Relating to Housing Development" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to eliminate the Hawaii Community Development Authority's ability to accept cash in lieu of a developer's reserved housing construction requirement, except in cases of a fractional unit resulting from the percentage requirement calculation.

The Lingle-Aiona Administration shares the Legislature's goal to increase affordable housing in Hawaii. However, this legislation will likely be counterproductive to that goal by eliminating the ability to leverage cash from private sources with public dollars to develop affordable housing for working families, singles, and seniors.

The cash in lieu option has been a successful tool in the Hawaii Community Development Authority's (HCDA) reserved housing program.

It has allowed HCDA to work with other State agencies to develop hundreds of rental units throughout the Kakaako region for those who cannot afford market-rate housing.

The cash in lieu option has given HCDA the flexibility and control to develop the type and supply of affordable housing units responsive to the needs of the community. For example, the monies collected through this option have been used to time construction to periods when bids are more competitive and prices are lower. Cash in lieu payments are also leveraged with other public and private resources, such as rental housing trust funds or Hula-Mae bonds, to build a larger number or different types of affordable housing units than the developer might be required or able to provide with only private funds.

In summary, policy makers should not view HCDA's cash in lieu option in a vacuum. Rather, this program should be viewed collectively with a variety of other statutory tools, administrative rules, and home financing programs that encourage the development of affordable housing. I would encourage the Legislature to reinstate this option in future years.

For the foregoing reasons, I allowed House Bill No. 1186 to become law as Act 18, effective April 23, 2009, without my signature.

Sincerely,

/s/  
LINDA LINGLE"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 732 and 733) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 732, dated April 23, 2009, informing the House that the President has this day appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 1268, Hee, Chair; Sakamoto/English, Co-Chairs; Slom SD2, HD1

Sen. Com. No. 733, dated April 23, 2009, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 1350, Senator(s) Tsutsui discharged as conferee(s); SD2, HD1 Added as Co-Chair(s).

S.B. No. 1673, Senator(s) Takamine added as Co-Chair(s). SD2, HD2

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
56, SD1	Committee on Health
89, SD1	Committee on Judiciary

132, Committee on Legislative Management  
SD1

170, Committee on Health  
SD2

#### STANDING COMMITTEE REPORTS

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1871), recommending that S.C.R. No. 81, 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 S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS, TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was referred to the Committee on Transportation with Representatives M. Oshiro, Souki, Takai and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1872) recommending that S.C.R. No. 45, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 45, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF PROFESSIONAL EMPLOYER ORGANIZATIONS," was adopted, with Representatives M. Oshiro, Souki, Takai and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1873) recommending that S.C.R. No. 53, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 53, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF REAL ESTATE APPRAISAL MANAGEMENT COMPANIES," was adopted, with Representatives M. Oshiro, Souki, Takai and Takumi being excused.

#### CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Report No. 53 as listed on page 2."

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 603, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 53) recommending that S.B. No. 603, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and S.B. No. 603, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred for a period of 48 hours.

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain House bill for Final Reading by consent calendar. (Representatives M. Oshiro, Souki, Takai and Takumi were excused.)

#### FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House bill, seconded by Representative Evans.

H.B. No. 1059, HD 2, (SD 1)

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House bill. (Representatives M. Oshiro, Souki, Takai and Takumi were excused.)

#### H.B. No. 1059, HD 2, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1059, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER," passed Final Reading by a vote of 47 ayes, with Representatives M. Oshiro, Souki, Takai and Takumi being excused.

At 12:13 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1059, HD 2, SD 1

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans and carried. (Representatives M. Oshiro, Souki, Takai and Takumi were excused.)

H.C.R. No. 19, HD 1, (SD 1)

H.C.R. No. 24, (SD 1)

H.C.R. No. 42, (SD 1)

H.C.R. No. 56, (SD 1)

H.C.R. No. 65, HD 1, (SD 1)

#### FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

#### H.C.R. No. 19, HD 1, SD 1:

Representative B. Oshiro moved that H.C.R. No. 19, HD 1, SD 1, be adopted, seconded by Representative Evans.

At 12:15 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.C.R. No. 19, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR," was Adopted, with Representatives M. Oshiro, Takai and Takumi being excused.

#### H.C.R. No. 24, SD 1:

Representative B. Oshiro moved that H.C.R. No. 24, SD 1, be adopted, seconded by Representative Evans.

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

"Thank you. Just in strong support, Mr. Speaker. Once again, it is always wonderful when we are able, and I commend the introducer of the measure, when we are able to tie history in to what is going on now, and for the children to be inspired. There is a lot to be inspired by the Nisei and what they accomplished in 'Going for Broke.' Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 24, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN," was Adopted, with Representatives M. Oshiro, Takai and Takumi being excused.

#### **H.C.R. No. 42, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 42, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES," was Adopted, with Representatives M. Oshiro, Takai and Takumi being excused.

#### **H.C.R. No. 56, SD 1:**

Representative B. Oshiro moved that H.C.R. No. 56, SD 1, be adopted, seconded by Representative Evans.

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

"Yes, on HCR 56, I wanted to note my support with reservations. Basically what this Resolution does is request the United States Congress to protect wildlife and wilderness by opposing oil and gas exploration and development in the Arctic National Wildlife Refuge.

"I believe that we can somehow find a way to be for the wildlife of America and preserve the areas in the Arctic, and at the same time do everything we can to explore every possibility to lower energy costs for the American public and especially for Hawaii that pays some of the highest gas prices in the nation."

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

"Mr. Speaker, I also rise with reservations. As we have a crisis of a budget, we have also a crisis of energy. I think as we have kept everything on the table to make sure we make our budget, we've got to keep everything on the table, including this option. Ideally we don't need it, but we should have it on the table, and this one is a bit premature because it says, 'take it off the table.' Thank you."

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

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

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

"Thank you Mr. Speaker, with reservations. My reasons are completely different from the aforementioned, so I have to explain them. I guess that I support our U.S. Senators Akaka and Inouye as to the Arctic. Language in the Reso, I feel that the indigenous people of this area want to have some kind of responsibility to be able to utilize the resources on their land. I think that to have us tell them what to do really rubs wrong with me.

"We sit here and we advocate for indigenous people for our Native Hawaiian population, and then we turn around and tell another native

population what they can and cannot do with their resources, so along those lines I have reservations. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 56, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was Adopted, with Representatives M. Oshiro, Takai and Takumi being excused.

#### **H.C.R. No. 65, HD 1, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 65, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII-AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI," was Adopted, with Representatives M. Oshiro, Takai and Takumi being excused.

### **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 Monday, April 27, 2009. (Representatives M. Oshiro, Takai and Takumi were excused.)

### **HOUSE COMMUNICATIONS**

House Communication dated April 24, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the Senate amendments to the following House bill, and has passed said bill on Final Reading:

H.B. No. 1059, HD 2, SD 1

House Communication dated April 24, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 19, HD 1, SD 1  
 H.C.R. No. 24, SD 1  
 H.C.R. No. 42, SD 1  
 H.C.R. No. 56, SD 1  
 H.C.R. No. 65, HD 1, SD 1