

## SIXTH DAY

## Friday, January 27, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Vice Speaker Joey Manahan, after which the Roll was called showing all Members present with the exception of Representatives Awana and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 186 through 193) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 186, dated January 24, 2012, transmitting the 2010-2011 Annual Report of the Hawaii Community Development Authority, pursuant to Section 206E-19, HRS.

Gov. Msg. No. 187, dated January 16, 2012, transmitting the report, Reorganization and Reduction in Force Actions within the Department of Business, Economic Development and Tourism, pursuant to Act 164, Section 122, SLH 2011.

Gov. Msg. No. 188, dated January 13, 2012, transmitting the Relating to Early Learning Report, prepared by the Department of Education pursuant to Act 14, SLH 2008, First Special Session.

Gov. Msg. No. 189, dated January 26, 2012, requesting immediate consideration and passage of House Bill No. 2437, Relating to Elections, which appropriates general funds to fund the voting system contract for the conducting of the 2012 elections.

Gov. Msg. No. 190, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2438, Making Emergency Appropriations for Claims Against the State, Its Officers, or Its Employees.

Gov. Msg. No. 191, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2509, Making an Emergency Appropriation for Reimbursement of Costs Related to the Asia-Pacific Economic Cooperation Meetings, which provides reimbursement of funds for costs incurred for planning, safety, and security necessary for the Asia-Pacific Economic Cooperation meetings held in November 2011.

Gov. Msg. No. 192, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2546, Making an Emergency Appropriation to the Department of Human Services for Health Care Payments, which appropriates general funds to address the budget shortfall in the Health Care Payments program (HMS 401).

Gov. Msg. No. 193, dated January 25, 2012, requesting immediate consideration and passage of House Bill No. 2547, Making an Emergency Appropriation to the Department of Human Services, which appropriates funds to address the budget shortfall for General Support for Health Care Payments (HMS 902).

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 64 and 65) were received by the Clerk and were placed on file:

Dept. Com. No. 64, dated January 18, 2012, from Stuart T.K. Ho, Chairman, Long Term Care Commission, transmitting the report

concerning the state of long-term care in Hawaii and the Commission's findings and recommendations for reform.

Dept. Com. No. 65, dated January 13, 2012, from Kalbert K. Young, Director of Finance, Department of Budget and Finance, transmitting the FYs 09-15 Non-General Find Information report, pursuant to Section 37-47, HRS.

## INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Hashem introduced his friend, Mr. Carlton Tomomitsu.

## ORDER OF THE DAY

## UNFINISHED BUSINESS

**Conf. Com. Rep. No. 1-12 and H.B. No. 608, HD 3, SD 1, CD 1:**

By unanimous consent, action was deferred one legislative day.

## REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 4-12) recommending that H.B. No. 1691, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1691, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representative Ching being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 5-12) recommending that H.B. No. 2002, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2002, 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," passed Second Reading and was placed on the calendar for Third Reading.

## REPORTS OF CONFERENCE COMMITTEES

Representatives Yamane, Nishimoto and Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 239, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 2-12) recommending that S.B. No. 239, SD 2, HD 2, 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. 2-12 and S.B. No. 239, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was deferred for a period of 48 hours.

Representatives Nishimoto and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 809, SD 1, HD 1, presented a report

(Conf. Com. Rep. No. 3-12) recommending that S.B. No. 809, 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. 3-12 and S.B. No. 809, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 17) and concurrent resolutions (H.C.R. Nos. 33 and 34) were referred to Printing and further action was deferred:

H.R. No. 17, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE IMPACT OF ALL-TERRAIN VEHICLE ACCIDENTS ON CHILDREN," was jointly offered by Representatives Ichiyama and Souki.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE THE IMPACT OF ALL-TERRAIN VEHICLE ACCIDENTS ON CHILDREN," was jointly offered by Representatives Ichiyama and Souki.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A TEMPORARY TASK FORCE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS AND COVERAGE," was jointly offered by Representatives Tokioka, Aquino, Chang, Choy, Cullen, Har, Hashem, Ichiyama, Ito, Kawakami, Nishimoto, Oshiro, Yamane and Yamashita.

### ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, today is the United Nations' designated International Holocaust Remembrance Day. It's a reminder of what happened in Auschwitz and the 6 million Jews that were killed. Hopefully the remembrance of this will remind us that there's still the civility that we're looking for in the world, and all the member states of the UN are asked to develop educational programs to help prevent future genocide. And there is genocide going on as we speak in Africa.

"Mr. Speaker I request that I could insert the Secretary General Ban Ki-moon's comments regarding the United Nations' commemoration of this anniversary," and the Chair "so ordered."

Representative Ward submitted the following:

#### "Secretary-General's Message

One and a half million Jewish children perished in the Holocaust – victims of persecution by the Nazis and their supporters.

Tens of thousands of other children were also murdered. They included people with disabilities... as well as Roma and Sinti.

All were victims of a hate-filled ideology that labelled them "inferior".

This year's International Day of Commemoration in Memory of the Victims of the Holocaust is dedicated to the children – girls and boys who faced sheer terror and evil.

Many were orphaned by the war, or ripped away from their families.

Many died of starvation, disease or at the hands of their abusers.

We will never know what these children might have contributed to our world.

And among the survivors, many were too shattered to tell their stories.

Today, we seek to give voice to those accounts.

That is why the United Nations continues to teach the universal lessons of the Holocaust.

It is why we strive to promote children's rights and aspirations – every day and everywhere.

And it is why we will continue to be inspired by the shining example of great humanitarians such as Raoul Wallenberg, in this, the centennial year of his birth.

Today, as we remember all those lost during the Holocaust – young and old alike -- I call on all nations to protect the most vulnerable, regardless of race, colour, gender or religious beliefs.

Children are uniquely vulnerable to the worst of humankind.

We must show them the best this world has to offer.

Thank you.

*H.E. Mr. Ban Ki-moon,  
The Secretary-General of United Nations"*

Representative Luke: "Thank you, Mr. Speaker. I would like to announce to the Body that tomorrow is Representative Chris Lee's birthday. So if we could, instead of a belated, do a pre-lated birthday. Happy birthday, tomorrow."

Representative Ching: "Thank you, Mr. Speaker. This coming weekend kicks off the beginning pre-event for what this Chamber has passed as Hawaii-Grown Chocolate or Cacao Month. I wanted to make sure everyone was aware that this so-called, brightest on the agricultural horizon which is doing quite well is actually having its first event in Haleiwa. It's called the Haleiwa Cacao Festival.

"There will be tours, those of you who are interested in this more lucrative agricultural industry, they'll have tours there in Haleiwa. It is also going to be it's their third annual. They will have *keiki* activities, chef demos, etc.

"Waialua Estate Cacao Orchard Tours are from 9:30 to 11:30, and they ask that we come celebrate Hawaii's bright light on the agricultural horizon, with award-winning Waialua chocolate. It's learning about the benefits of this crop, and it echoes the views of 'Buy Local, It Matters.' Please support your local AG, and promote sustainable job creation. Thank you."

Representative Brower: "Thank you, Mr. Speaker. On that note, I just hope everyone will support my Cacao Bill which someone in this Chamber asked me to introduce. Thank you."

Representative Har: "Thank you, Mr. Speaker. Tomorrow we will celebrate the grand opening of the Kroc Community Center in Kapolei. And for those of you that are not aware, it is the largest community center in the State of Hawaii.

"Several years ago, the City of Kapolei secured a \$90 million grant from the Ray and Joan Kroc Foundation, otherwise known as McDonald's Corporation, and this Body did in fact support the project, via a GIA.

"We're passing around a Certificate, and if possible I'd like every single Member to sign the certificate. It's going around right now, but if you have not had a chance to sign it, please do so. If you're leaving to go home to the Neighbor Islands, if you could stop by my office. Please make sure to do so, so that tomorrow Representative Pine, and there'll be many members of the Legislature attending; Representatives Jordan, Awana, so that we could present it with all of the Members of the House of Representatives."

Representative McKelvey: "Thank you, Mr. Speaker. On a more sad note. West Maui lost one of its icon members, Ms. Star Medeiros. At the appropriate time, could I ask for a moment of silence for her and her family? Thank you."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Ms. Star Medeiros of Lahaina.

**COMMITTEE ASSIGNMENTS**

The following measures were referred to committee by the Speaker:

**H.B.**  
**Nos.**

**Referred to:**

- 2724 Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
- 2725 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
- 2726 Committee on Health, then to the Committee on Finance
- 2727 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
- 2728 Committee on Education, then to the Committee on Finance
- 2729 Committee on Education, then to the Committee on Finance
- 2730 Committee on Transportation, then to the Committee on Consumer Protection & Commerce
- 2731 Committee on Finance
- 2732 Committee on Health, then to the Committee on Finance
- 2733 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 2734 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
- 2735 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
- 2736 Committee on Housing, then to the Committee on Judiciary
- 2737 Committee on Judiciary, then to the Committee on Finance
- 2738 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
- 2739 Committee on Human Services, then to the Committee on Finance
- 2740 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 2741 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
- 2742 Committee on Judiciary

- 2743 Committee on Labor & Public Employment, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
- 2744 Committee on Finance
- 2745 Committee on Finance
- 2746 Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
- 2747 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 2748 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 2749 Committee on Health, then to the Committee on Judiciary
- 2750 Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
- 2751 Committee on Legislative Management, then to the Committee on Judiciary
- 2752 Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
- 2753 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
- 2754 Committee on Culture & the Arts, then to the Committee on Finance
- 2755 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 2756 Committee on Transportation, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
- 2757 Committee on Finance
- 2758 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 2759 Committee on Health, then to the Committee on Consumer Protection & Commerce
- 2760 Committee on Transportation, then to the Committee on Judiciary
- 2761 Committee on Judiciary
- 2762 Committee on Economic Revitalization & Business, then to the Committee on Judiciary
- 2763 Committee on Judiciary
- 2764 Committee on Energy & Environmental Protection, then to the Committee on Labor & Public Employment, then to the Committee on Finance
- 2765 Committee on Transportation, then to the Committee on Finance

2766	Committee on Labor & Public Employment, then to the Committee on Finance	2792	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2767	Committee on Economic Revitalization & Business, then to the Committee on Finance	2793	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2768	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2794	Committee on Finance
2769	Committee on Public Safety & Military Affairs	2795	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary
2770	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	2796	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2771	Committee on Judiciary	2797	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
2772	Committee on Finance		
2773	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2798	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2774	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2799	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce
2775	Committee on Human Services, then to the Committee on Finance	2800	Committee on Transportation, then to the Committee on Finance
2776	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary	2801	Committee on Finance
2777	Committee on Finance	2802	Committee on Economic Revitalization & Business, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2778	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2803	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2779	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	2804	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2780	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2805	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2781	Committee on Finance	2806	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2782	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2807	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
2783	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce	2808	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2784	Committee on Health, then to the Committee on Finance	2809	Committee on Hawaiian Affairs, then to the Committee on Agriculture
2785	Committee on Finance	2810	Committee on Water, Land, & Ocean Resources, then to the Committee on Culture & the Arts, then to the Committee on Finance
2786	Committee on Finance	2811	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance
2787	Committee on Finance	2812	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism, then to the Committee on Finance
2788	Jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance		
2789	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance		
2790	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance		
2791	Committee on Finance		

2813	Committee on Higher Education, then to the Committee on Finance	2839	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
2814	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance	2840	Committee on Judiciary, then to the Committee on Finance
2815	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	2841	Committee on Judiciary, then to the Committee on Finance
2816	Committee on Education, then to the Committee on Finance	2842	Committee on Judiciary
2817	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	2843	Committee on Human Services, then to the Committee on Finance
2818	Committee on Finance	2844	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2819	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2845	Committee on Economic Revitalization & Business, then to the Committee on Judiciary
2820	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	2846	Committee on Culture & the Arts, then to the Committee on Finance
2821	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	2847	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2822	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2848	Committee on Public Safety & Military Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
2823	Committee on Finance	2849	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2824	Committee on Agriculture, then to the Committee on Finance	2850	Committee on Health, then to the Committee on Finance
2825	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2851	Committee on Finance
2826	Committee on Finance	2852	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2827	Committee on Finance	2853	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2828	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance	2854	Committee on Judiciary, then to the Committee on Finance
2829	Committee on Judiciary, then to the Committee on Finance	2855	Committee on Finance
2830	Committee on Judiciary	2856	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2831	Committee on Agriculture, then to the Committee on Finance	2857	Committee on Health, then to the Committee on Finance
2832	Committee on Agriculture, then to the Committee on Finance	2858	Committee on Public Safety & Military Affairs, then to the Committee on Higher Education, then to the Committee on Finance
2833	Committee on Agriculture, then to the Committee on Finance	2859	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
2834	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance	2860	Committee on Agriculture, then to the Committee on Judiciary
2835	Committee on Transportation, then to the Committee on Finance	2861	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2836	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance	2862	Committee on Finance
2837	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2863	Committee on Economic Revitalization & Business, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2838	Committee on Agriculture, then to the Committee on Finance		



- 29 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
- 30 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
- 31 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
- 32 Committee on Health, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

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

<u>H.B.</u>	
<u>Nos.</u>	<u>Re-referred to:</u>
1897	Committee on Consumer Protection & Commerce
1962	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2006	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
2090	Committee on Hawaiian Affairs, then to the Committee on Finance
2611	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2702	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

#### ADJOURNMENT

At 12:16 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, January 30, 2012. (Representative Chang was excused.)