

THIRTIETH DAY

Tuesday, March 13, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative John M. Mizuno, after which the Roll was called showing all Members present with the exception of Representatives Awana, Carroll, Thielen and Wooley, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 228) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 228, dated March 8, 2012, transmitting the Hawaii Health Systems Corporation's Annual Audit and Report for FY 2011, pursuant to Section 323F-22(c), HRS.

INTRODUCTIONS

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

Representative Takai introduced Ms. Edie Smith of Philadelphia, Pennsylvania, an active member of Gold Star Wives of America. She was accompanied by her daughter and son-in-law, Mrs. Karen and Mr. Chas Willis, and grandchildren, Ms. Kimberly Willis and Mr. Kyle Willis of Hawaii.

Representative Tokioka, on behalf of the Kauai delegation, introduced members of the Kauai Community College Student Government: Mr. John Constantino, Ms. Dasha Dacosta, Mr. Lyle Ueunten and Mr. Nelson Butalion.

Representative C. Lee, on behalf of Representatives Thielen, Chong and himself, introduced Waimanalo resident 'Uncle Joe' Tassill and a group of seniors from Kailua.

Representative Ching recognized the Girl Scouts and their families who were seated in the Gallery.

At 12:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representatives Chang and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 973-12), recommending that H.C.R. No. 24, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committees be adopted, and that H.C.R. No. 24, be referred to the Committee on Finance, seconded by Representative Evans.

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

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 Committees was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 593 KULIOUOU ROAD, HONOLULU, HAWAII," was referred to the Committee on Finance, with Representative Hanohano voting no, and with Representatives Awana, Carroll, Saiki and Thielen being excused.

Representatives Chang and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 974-12), recommending that H.C.R. No. 29, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committees be adopted, and that H.C.R. No. 29, be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 303, HONOLULU, HAWAII," was referred to the Committee on Finance, with Representative Hanohano voting no, and with Representatives Awana, Carroll, Saiki and Thielen being excused.

Representatives Chang and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 975-12), recommending that H.C.R. No. 30, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committees be adopted, and that H.C.R. No. 30, be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII," was referred to the Committee on Finance, with Representative Hanohano voting no, and with Representatives Awana, Carroll, Saiki and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 976-12) recommending that S.B. No. 2206, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that S.B. No. 2206, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 S.B. No. 2206, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Carroll, Saiki and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 977-12) recommending that S.B. No. 2818, as

amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEAD HUMAN BODIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Carroll, Saiki and Thielen being excused.

At 12:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 82) was announced by the Clerk and the following action taken:

H.R. No. 82, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE GIRL SCOUTS OF HAWAII AND THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA FOR BEING THE STATE OF HAWAII AND THE NATION'S LARGEST AND OLDEST GIRL-FOCUSED LEADERSHIP ORGANIZATIONS," was jointly offered by Representatives M. Lee and Rhoads.

Representative M. Lee moved that H.R. No. 82, be adopted, seconded by Representative Rhoads.

Representative M. Lee commended the Girl Scouts of America for 100 years of molding members to be young, independent women by promoting resourcefulness, courage and self-sufficiency; and empowering girls to make a difference in the world through volunteerism and service.

Representative Rhoads congratulated the Girl Scouts of Hawaii on their 95th anniversary in their mission to build girls of courage, confidence and character, and empowering girls to have a voice on the issues that matter most to our Hawaii Nei.

Representative M. Lee then introduced the honorees representing the Girl Scouts of Hawaii who were seated on the Floor of the House:

Ms. Gail Mukaihata Hannemann, Chief Executive Officer of the Girl Scouts of Hawaii;

Ms. Bonnie Rice, Chair of the Board of Directors of the Girl Scouts of Hawaii; and

Miss Randi Pelch and Miss Marissa Andres of Girl Scout Troop 377.

Representative M. Lee then recognized the many Girl Scouts and supporters seated in the Gallery.

Representative Ching thanked the Girl Scouts of Hawaii for building the leaders of the future with their motto: Do a good turn daily.

The motion was put to vote by the Chair and carried, and H.R. No. 82, was adopted, with Representatives Awana, Carroll, Saiki, Takumi and Thielen being excused.

The following resolution (H.R. No. 83) was announced by the Clerk and the following action taken:

H.R. No. 83, entitled: "HOUSE RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS AND CELEBRATING THE 40TH ANNIVERSARY OF TITLE IX, THE PATSY T. MINK EQUAL OPPORTUNITY IN EDUCATION ACT," was jointly offered by Representatives Ichiyama and Morikawa.

Representative Ichiyama moved that H.R. No. 83, be adopted, seconded by Representative Morikawa.

Representative Ichiyama recognized the 40th anniversary of Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act, which provided for access for women and girls in athletics, higher education, career education, parenting studies, employment, sexual harassment prevention, standardized testing and technology.

Representative Ichiyama then introduced Congresswoman Mink's family who were seated in the Gallery:

Mrs. Mink's brother, Mr. Eugene Takemoto; his wife, Mrs. Frances Takemoto; and their daughter, Ms. Jo Ann Kagawa.

Representative Morikawa introduced the honorees who have helped to increase opportunities for women and girls in Hawaii who were seated on the Floor of the House:

Justice Sabrina McKenna, Associate Justice of the Hawaii Supreme Court;

Ms. Marilyn Moniz-Kaho'ohanohano, Associate Athletics Director and Senior Woman Administrator at the University of Hawaii;

Ms. Jennifer Rose, Gender Equity Specialist under the Office of the Chancellor at the University of Hawaii - William S. Richardson School of Law;

Ms. Jill Nunokawa, Civil Rights Counselor at the University of Hawaii; and

Ms. Catherine Betts, Executive Director for the Hawaii State Commission of the Status of Women.

Representative Morikawa also recognized the many family and friends seated in the Gallery.

Representative C. Lee commended the legacy of Congresswoman Patsy Mink and noted that Title IX brought a generation of change for not just women, but for men and families as well.

The motion was put to vote by the Chair and carried, and H.R. No. 83, was adopted, with Representatives Awana, Carroll, Nakashima, Saiki, Takumi and Thielen being excused.

The following resolution (H.R. No. 84) was announced by the Clerk and the following action taken:

H.R. No. 84, entitled: "HOUSE RESOLUTION CONGRATULATING NORMAN CHOW FOR BEING NAMED THE HEAD COACH OF THE UNIVERSITY OF HAWAII MANOA FOOTBALL TEAM," was offered by Representative Wooley.

Representative Wooley moved that H.R. No. 84, be adopted, seconded by Representative McKelvey.

Representative Wooley welcomed home an island son, and congratulated the new University of Hawaii Football Head Coach, Mr. Norman Chow, who was seated on the Floor of the House.

Representative McKelvey expressed his excitement on the upcoming University football season and wished Coach Chow and the University of Hawaii Football Team a successful season.

The motion was put to vote by the Chair and carried, and H.R. No. 84, was adopted, with Representatives Awana, Carroll, Nakashima, Saiki, Takumi and Thielen being excused.

At 12:59 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 72 through 81) and concurrent resolutions (H.C.R. Nos. 100 through 110) were referred to Printing and further action was deferred:

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROHIBIT PARKING ON DATE STREET BETWEEN KAPIOLANI BOULEVARD AND LA'AU STREET DURING THE MORNING HOURS TO ALLEVIATE TRAFFIC CONGESTION," was offered by Representative Nishimoto, by request.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT AN INCENTIVE PROGRAM TO PROMOTE THE PURCHASE OF HAWAII-GROWN AGRICULTURAL COMMODITIES," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, McKelvey, Mizuno, Yamashita and Nakashima.

H.R. No. 74, entitled: "HOUSE RESOLUTION CONVENING AN AGRICULTURE POLICY TASK FORCE TO REVIEW AGRICULTURAL POLICIES FROM OTHER STATES IN PROVIDING FOR HAWAII'S AGRICULTURE INDUSTRY," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, Mizuno, Nakashima and Yamashita.

H.R. No. 75, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, McKelvey, Mizuno, Nakashima and Yamashita.

H.R. No. 76, entitled: "HOUSE RESOLUTION REQUESTING THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO ESTABLISH CRITERIA AND PENALTIES FOR MEDICAID PATIENTS WHO DO NOT ATTEND THEIR MEDICAL AND OTHER HEALTH CARE-RELATED APPOINTMENTS AS SCHEDULED," was jointly offered by Representatives Cabanilla, Evans and Souki.

H.R. No. 77, entitled: "HOUSE RESOLUTION URGING HAWAII PUBLIC HOUSING AUTHORITY TO ADOPT RULES TO PROHIBIT SMOKING IN ALL FEDERAL AND STATE PUBLIC HOUSING PROJECTS IN THE STATE," was jointly offered by Representatives Cabanilla, Evans, Manahan and Souki.

H.R. No. 78, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO PROMOTE COLLABORATION BETWEEN COMMUNITY HOSPITALS AND COMMUNITY HEALTH CENTERS AND DEVELOP A PLAN TO HAVE CERTAIN RURAL HOSPITALS DESIGNATED AS FEDERALLY QUALIFIED HEALTH CENTERS," was offered by Representative Yamane.

H.R. No. 79, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO AMEND THE FEDERAL SECTION 1115 WAIVER GRANTED TO HAWAII TO RAISE THE MEDICAID INCOME ELIGIBILITY CEILING TO THREE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL," was offered by Representative Yamane.

H.R. No. 80, entitled: "HOUSE RESOLUTION URGING CONGRESS TO CREATE A SEPARATE BRANCH OF THE UNITED STATES ARMED FORCES TO COMBAT CYBER CRIMES, CYBER WARFARE, AND CYBER TERRORISM," was jointly offered by Representatives Ward, Fontaine, Marumoto, Pine, Aquino, Brower and Evans.

H.R. No. 81, entitled: "HOUSE RESOLUTION PROPOSAL TO STUDY THE LESSONS LEARNED BY ISRAELI SOLAR ENERGY INITIATIVES AND THEIR APPLICABILITY TO THE STATE OF HAWAII," was jointly offered by Representatives Ward, Chang, Ching, Evans, Marumoto, Rhoads, Aquino, Brower, Fontaine, Hashem, McKelvey and Pine.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROHIBIT PARKING ON DATE STREET BETWEEN KAPIOLANI BOULEVARD AND LA'AU STREET DURING THE MORNING HOURS TO ALLEVIATE TRAFFIC CONGESTION," was offered by Representative Nishimoto, by request.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT AN INCENTIVE PROGRAM TO PROMOTE THE PURCHASE OF HAWAII-GROWN AGRICULTURAL COMMODITIES," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, McKelvey, Nakashima and Yamashita.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING AN AGRICULTURE POLICY TASK FORCE TO REVIEW AGRICULTURAL POLICIES FROM OTHER STATES IN PROVIDING FOR HAWAII'S AGRICULTURE INDUSTRY," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, McKelvey, Mizuno, Nakashima and Yamashita.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was jointly offered by Representatives Tsuji, Awana, Brower, Chang, Choy, Evans, Hashem, McKelvey, Mizuno, Nakashima and Yamashita.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DESIGNATE THE MAGOON RESEARCH AND TEACHING FACILITY SITE FOR THE UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was jointly offered by Representatives Tsuji, Awana, Chang, Choy, Evans, Hashem, McKelvey, Nakashima, Nishimoto and Takai.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO ESTABLISH CRITERIA AND PENALTIES FOR MEDICAID PATIENTS WHO DO NOT ATTEND THEIR MEDICAL AND OTHER HEALTH CARE-RELATED APPOINTMENTS AS SCHEDULED," was jointly offered by Representatives Cabanilla, Evans and Souki.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII PUBLIC HOUSING AUTHORITY TO ADOPT RULES TO PROHIBIT SMOKING IN ALL FEDERAL AND STATE PUBLIC HOUSING PROJECTS IN THE STATE," was jointly offered by Representatives Cabanilla, Evans, Hashem, Manahan and Souki.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CREATION OF AN EXPLORATORY COMMITTEE TO CONSIDER THE ESTABLISHMENT OF AN INTERNATIONAL AVIATION TRAINING CENTER AT THE HILO INTERNATIONAL AIRPORT AND AN ADVANCED AVIATION DEGREE TRAINING PROGRAM AT THE UNIVERSITY OF HAWAII AT HILO," was offered by Representative Herkes.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A REVIEW AND MAKE RECOMMENDATIONS ON THE REMOVAL OF MARINE DEBRIS CREATED BY THE 2011 TSUNAMI IN JAPAN," was offered by Representative Evans.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO CREATE A SEPARATE BRANCH OF THE UNITED STATES ARMED FORCES TO COMBAT CYBER CRIMES, CYBER WARFARE, AND CYBER TERRORISM," was jointly offered by Representatives Ward, Fontaine, Marumoto, Aquino, Brower, Evans and Pine.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSAL TO STUDY THE LESSONS LEARNED BY ISRAELI SOLAR ENERGY INITIATIVES AND THEIR APPLICABILITY TO THE STATE OF HAWAII," was jointly offered by Representatives Ward, Chang, Ching, Evans, Marumoto, Rhoads, Aquino, Brower, Fontaine, Hashem, McKelvey and Pine.

ANNOUNCEMENTS

Representative Har, for the Committee on Water, Land & Ocean Resources and the Committee on Hawaiian Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of reconsidering action on S.B. No 2783, Relating to the Public Trust Lands.

"The hearing will be tomorrow morning, March 14, 2012 at 10:00 a.m. in Room 329. The Committees on Water, Land & Ocean Resources, and Hawaiian Affairs would like to reconsider prior action on S.B. No. 2783, the OHA settlement bill," and the Chair "so ordered."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
66	Committee on Higher Education, then to the Committee on Finance
67	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
68	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
69	Committee on Judiciary

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
93	Committee on Higher Education, then to the Committee on Finance
94	Jointly to the Committee on Health and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance
95	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
96	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
97	Committee on Judiciary
98	Committee on Energy & Environmental Protection, then to the Committee on Finance
99	Committee on Judiciary, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
2304, SD2	Committee on Judiciary, then to the Committee on Finance
2305, SD2	Committee on Hawaiian Affairs, then to the Committee on Judiciary
2758, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
3010, SD2	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 1:16 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 tomorrow, Wednesday, March 14, 2012. (Representatives Awana, Belatti, Carroll, Herkes, Ito, Kawakami, Nakashima, Saiki, Takumi and Thielen were excused.)