

## EIGHTH DAY

**Wednesday, January 30, 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 Representative Romy M. Cachola, 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 Seventh Day was deferred.

**GOVERNOR'S MESSAGES**

The following message from the Governor (Gov. Msg. No. 202) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 202, dated January 2, 2013, transmitting the Annual Report on the Receipt and Expenditures from the Trauma System Special Fund, prepared by the Department of Health pursuant to Section 321-22.5(g), HRS.

**SENATE COMMUNICATIONS**

The following communication from the Senate (Sen. Com. No. 3) was received and announced by the Clerk:

Sen. Com. No. 3, transmitting S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on January 29, 2013.

Representative Saiki moved that S.C.R. No. 25 be adopted, seconded by Representative Johanson.

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

"Thank you, Mr. Speaker. I speak in strong support of this measure.

"Thank you. In 2005, this Legislature passed Act 21, establishing the Hawaii Medal of Honor. I recall thinking how we as a state and the Hawaii State Legislature needed to support the families of our fallen heroes. This Hawaii Medal of Honor was our way of expressing our deepest appreciation to these brave service men and women. We offer this honor as a small token that can never in itself repay the honor that has been given to us. An honor borne of courage, driven by duty, and paid for in loss. The Hawaii Medal of Honor is reserved for those who have touched our islands, and have felt the touch of our people.

"These medals symbolize our *aloha*, our farewell to those we have lost. But also our love for those who have lived among us, touched us, and sacrificed for us.

"A grateful state best honors and remembers the sacrifices of those who have served our nation by living our lives in deepest appreciation of our freedom. This is what they defended and that is what they fought and died for.

"It has been over ten years, Mr. Speaker, since the War on Terrorism began, and between March 29, 2003 and last year, Hawaii, our state, has lost 327 service members. Just last year we lost 19 service members.

"I wanted to spend some time talking about some of them who we will be recognizing shortly and here are some of their stories:

"Second Lieutenant Clovis Ray from San Antonio, Texas, was 35 and stationed at Schofield Barracks. Leaving a lucrative career as an investment banker, he joined the Army at age 32 simply because he wanted to serve his country. Leading his men in the very dangerous region of Kunar Province of Afghanistan, his unit was attacked by insurgents. He died on March 15, 2012.

"At age 37, Chief Warrant Officer Brian Hornsby was a highly decorated Army pilot who served medevac missions in Honduras, air assault missions in Iraq, and special operations support missions in Afghanistan. He was the pilot of the Black Hawk helicopter that crashed in Kandahar after being attacked. He died on August 16, 2012.

"Many of us are aware of the helicopter crash that happened last January in Afghanistan's southern province of Helmand. Six Marines killed in that crash were based in Hawaii at Kaneohe. One of the Marines was Master Sergeant Travis Riddick from Centerville, Iowa. He was 40 years old and served three tours of duty in Iraq and two in Afghanistan. This was supposed to be his last tour because he had just a year left on his enlistment. It is still, to this day, considered one of the deadliest crashes in Afghanistan.

"One issue that we still have unresolved is whether or not to honor those whose deaths are a result of self-inflicted action or suicide. Since the inception of this medal, eighteen service members died while in country because of self-inflicted wounds or unspecified reasons. Over the past year, there have been at least two deaths some would feel were unnecessary. And all were in support of the war.

"By this concurrent resolution, Mr. Speaker, this year's Hawaii Medal of Honor will be awarded to family representatives of these fine men and women at a ceremony held during a joint session of the Legislature on Wednesday, March 27, 2013, at 2:00 p.m. in the Senate Chambers.

"Families will be invited from far-off towns like San Juan, Puerto Rico; North Beach, Maryland; and Melbourne, Florida, to as close as San Diego, California and right here as well in Honolulu, Hawaii.

"Words are not enough to express the loss of these young men and women who have died serving our country. And for this reason, we honor the family, friends and colleagues of the fallen who have sacrificed, who have themselves paid a price, and who helped make this year's honorees the brave, strong individuals that we called on and counted on to serve this great nation.

"I urge passage of this resolution. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support. Mr. Speaker, as a Vietnam veteran I would be honored to have the words of my colleague, veteran and major entered as my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I rise in strong support. I would just like to acknowledge the work of the speaker from Aiea. He has been a giant in this regard in the last 10 years. I've had the opportunity to observe him from the outside in a different capacity. He has been a clear clarion voice in support of our veterans and those who've given the ultimate sacrifice. To you I certainly say thank you, and I would like the Representative from Aiea's words entered in the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"I would like to rise, Mr. Speaker, in strong support. Having returned a few years ago, there are two soldiers in particular that I would like to talk about, that I had personal experiences with.

"One was Sergeant Malie Toa Steffany, who had received multiple shrapnel wounds throughout his body after being hit by an IED. Now this soldier attended to the wounds of others before he attended to his own, while bleeding out through the entire process. And because the Army was new with the issues that were going on with the military, what he was going through was not addressed. And he had an incident upon returning home, suffering from PTSD, got divorced from his wife, lost custody of his child, went through the Uniform Code of Military Justice for assaulting one of his superior non-commissioned officers and had a lot that was taken away from him.

"It was a great opportunity to see that the Army was starting to address a number of the issues that were going on to have these things restored to him. And through all that, through losing his child, through losing members of his family, he was still able to continue on believing in the values that we believe in, in the United States Military.

"Second to that is Sergeant Tagaloa, who was suffering from advanced cancer, was out there with the rest of his unit in the Middle East, and worked until he literally dropped to the ground from exhaustion, because he didn't want to quit on his team.

"These are just two experiences that I've had personally with our men and women in uniform, and the service that they give to our country. It's a great honor to rise in strong support for this resolution, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.C.R. No. 25 was adopted, with Representative Cabanilla being excused.

#### DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 68 and 69) were received by the Clerk and were placed on file:

Dept. Com. No. 68, from the Legislative Reference Bureau, dated January 24, 2013, transmitting the Interim Report of the Medicaid Buy-In Task Force, pursuant to Act 200, SLH 2012.

Dept. Com. No. 69, from the University of Hawai'i, dated January 24, 2013, transmitting the Report 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 Hawai'i at Hilo, pursuant to H.C.R. No. 107 (2012) and S.C.R. No. 156, S.D. 1 (2012).

#### ORDER OF THE DAY

##### REPORTS OF STANDING COMMITTEES

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 941 pass Second Reading and be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 941, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION," passed Second Reading and was referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 4) recommending that H.B. No. 111, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 111, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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

"Mr. Speaker, Standing Committee Report Number 4, House Bill 111, House Draft 1, I rise against this measure. I haven't had the opportunity to hear it. I will when it goes to CPC, but two things right off the bat that, one, to me it violates kind of the principle of home rule that the counties decide what's best for them.

"Number two, I don't know where you would put these utopian-like sustainable communities on Oahu, when land prices are at a minimum \$250,000 an acre.

"So, those are my two concerns and I want to flag it for CPC. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABLE ALTERNATIVE BUILDING CODE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 5) recommending that H.B. No. 17 pass Second Reading and 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.B. No. 17, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Second Reading and was referred to the Committee on Judiciary.

At 12:21 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 6) recommending that H.B. No. 423 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. 423, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ing being excused.

##### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 16) was referred to Printing and further action was deferred:

H.R. No. 16, entitled: "HOUSE RESOLUTION RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING LAWFULLY IN THE HAWAIIAN ISLANDS," was offered by Representative Hanohano.

##### LATE INTRODUCTIONS

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

Representative Fale introduced his older brother, Mr. Daniel Kimball Fale, former Deputy Secretary for the Ministry of Finance, in the Kingdom of Tonga.

Representative Evans introduced Mr. Wayne Higaki, Vice President, Clinical Support Services of North Hawaii Community Hospital, and member of the Hawaii Island Healthcare Alliance.

## ANNOUNCEMENTS

Representative Cheape: "Mr. Speaker, I'm truly honored that the first time I ever get to speak on the Floor, that I get to announce that it is Representative Aaron Johanson's birthday today. He has now moved into the senior age bracket of our caucus. So I just wanted to wish him a very happy birthday."

Representative Tokioka: "Thank you, Mr. Speaker. It is with great sadness that I make this announcement, and at the appropriate time, Mr. Speaker, I would like to ask for this Body to stand for a moment of silence. On Sunday, former Representative Ezra Kanoho's wife, Aunty Pauline, passed away. So at the appropriate time, I would like to ask the Body for their indulgence. Thank you, Mr. Speaker."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mrs. Pauline Kanoho.

## ADJOURNMENT

At 12:27 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, Thursday, January 31, 2013.

## COMMITTEE REASSIGNMENTS

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

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

**Re-referred to:**

15	Committee on Judiciary
155	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance
733	Committee on Agriculture, then to the Committee on Finance
797	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary
865	Jointly to the Committee on Water & Land and the Committee on Education and the Committee on Finance
1017	Committee on Energy & Environmental Protection, then jointly to the Committee on Water & Land and the Committee on Transportation, then to the Committee on Finance
1064	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
1216	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1219	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1240	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Consumer Protection & Commerce
1335	Committee on Agriculture, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
1391	Committee on Transportation, then to the Committee on Finance
1408	Committee on Energy & Environmental Protection, then to the Committee on Finance