

## FIFTY-FOURTH DAY

Monday, April 21, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 11:38 o'clock a.m. with Vice Speaker Mizuno presiding.

The invocation was delivered by Ms. Jenny Alconcel Quezon of Representative Isaac W. Choy's office, after which the Roll was called showing all Members present with the exception of Representatives Lowen and Oshiro, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 250 through 252) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 250, dated March 31, 2014, transmitting the Department of Agriculture's Annual Report, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 251, dated April 4, 2014, transmitting the Assessment of Repair and Maintenance Needs of the State's War Memorials and Veterans' Cemeteries Report, prepared by the Department of Defense, Office of Veterans Services, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 252, dated April 7, 2014, transmitting the Lead By Example State of Hawai'i Agencies' Energy Initiatives FY 2012-2013 Report, prepared by the Department of Business, Economic Development and Tourism, pursuant to Act 96, SLH 2006.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 687 through 689) were received and announced by the Clerk:

Sen. Com. No. 687, transmitting H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS, HAWAII FINANCIAL INSTITUTIONS, AND HAWAII BUSINESSES TO ADOPT LEGISLATION, POLICIES, AND PROCEDURES TO USE IDENTITY THEFT-RESISTANT CREDIT CARDS," which was adopted by the Senate on April 17, 2014.

Sen. Com. No. 688, transmitting H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO PLAN AND COORDINATE THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," which was adopted by the Senate on April 17, 2014.

Sen. Com. No. 689, transmitting H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR AND COUNCIL OF THE COUNTY OF MAUI TO TAKE NECESSARY STEPS TO ADOPT AND ACCEPT JURISDICTION FOR NAHIKU BRIDGE IN THE HANA DISTRICT OF THE COUNTY OF MAUI," which was adopted by the Senate on April 17, 2014.

## INTRODUCTIONS

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

Representative Wooley introduced her mom, Mrs. Marilyn Wooley.

Representative Ward introduced his former constituent, Mr. Bart Dame.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1684-14) recommending that S.C.R. No. 41 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HUMAN SERVICES TO ASSIST WITH INCREASING VOTER REGISTRATION AMONG YOUNG ADULTS," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1685-14) recommending that S.C.R. No. 82 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING JULY 20, 2014, AS "TRANQUILITY BASE DAY" IN HAWAII TO HONOR THE FORTY-FIFTH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING AT TRANQUILITY BASE AND URGING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION TO INCLUDE TRANQUILITY BASE AND ASSOCIATED ARTIFACTS ON THE WORLD HERITAGE LIST," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1686-14) recommending that S.C.R. No. 84 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE THE PRESUMPTION OF A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO UNITED STATES VETERANS WHO SERVED IN THE WATERS DEFINED BY THE COMBAT ZONE AND IN THE AIRSPACE OVER THE COMBAT ZONE IN VIETNAM," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1687-14) recommending that S.C.R. No. 47, SD 1, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 47, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY 17 OF EVERY YEAR AS HO'OKU'IKAHI DAY, OR RECONCILIATION DAY, IN HONOR AND REMEMBRANCE OF THE JUSTICE, RECONCILIATION, AND NONVIOLENCE OF QUEEN LILI'UOKALANI," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1688-14) recommending that S.C.R. No. 62 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 62, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO ENACT REFORMS ADDRESSING SEXUAL HARASSMENT AND ASSAULT IN THE UNITED STATES ARMED FORCES," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1689-14) recommending that S.C.R. No. 63 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING FEMALE MEMBERS OF THE UNITED STATES SENATE TO REFORM MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING SEXUAL ASSAULTS," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1690-14) recommending that S.C.R. No. 70 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 70, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROCLAIM 2014 AS THE YEAR OF THE WORLDWIDE VOYAGE," was adopted, with Representatives Lowen and Oshiro being excused.

Representatives Lee and Takai, for the Committee on Energy & Environmental Protection and the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1691-14) recommending that S.C.R. No. 73, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committees be adopted, and that S.C.R. No. 73, HD 1 be adopted, seconded by Representative Cabanilla.

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of SCR 73.

"The purpose of this measure is to protect the public from risks related to the Red Hill Underground Fuel Storage Facility (Facility) and Oahu's water supply by requesting the Director of Health to convene a task force to study the effects of the January 2014 fuel tank leak at the Red Hill Underground Fuel Storage Facility.

"The Red Hill Underground Fuel Storage Facility is located near Pearl Harbor and operated by the United States Navy. The facility contains 20 cylindrical tanks, each of which can hold up to 12,500,000 gallons of fuel, and continues to provide secure fuel storage for ships and aircraft of the United States Pacific Fleet and other military services.

"The concerns cannot be ignored about the fuel leaks from the Red Hill Underground Fuel Facility. According to past studies, the fuel releases have already contaminated the soil and groundwater that lies below the facility with 'petroleum hydrocarbons.' The findings of the study discuss the risk of large releases of fuel to the groundwater and the affect is quite astonishing, thus contaminating the aquifer, then the environment, and eventually the community.

"The committee report finds that 'the age of the facility and the mission-critical requirements for its storage capacity combine to present a significant future risk of a moderate to large release of fuel to the underlying ground water'... and concluded 'that the effects of the January 2014 leak should be studied, strategies should be formulated to mitigate the effects of future leaks, and recommendations should be made regarding improvements in communication in the event of future leaks.'

"We all must take every effort to address this situation at the facility in order to safeguard the future of Hawaii, which requires both persistence and patience. It is my hope that the task force that convenes as a result of the January 2014 fuel tank leak emphasizes the importance of preserving the environment as well as the importance of the facility to the Navy."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 73, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO STUDY THE EFFECTS OF THE JANUARY 2014 FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1692-14) recommending that S.C.R. No. 97, SD 1, HD 1 be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 97, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A COTTAGE FOOD BUSINESS WORKING GROUP COMPRISING REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH AND THE COTTAGE FOOD INDUSTRY," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1693-14) recommending that S.C.R. No. 74, SD 1, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 74, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION AND AUDIT OF THE ADVANCE DISPOSAL FEE PROGRAM," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1694-14) recommending that S.C.R. No. 57, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.C.R. No. 57, HD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A BID TO THE COUNCIL OF PACIFIC ARTS AND CULTURE FOR HAWAII TO HOST THE 2020 FESTIVAL OF PACIFIC ARTS," was adopted, with Representatives Lowen and Oshiro being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1695-14) recommending that S.C.R. No. 51, SD 1, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 51, SD 1, HD 1 be adopted, seconded by Representative Cabanilla.

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

"Mr. Speaker, I rise in opposition. Just some brief comments. This survey asks questions that could be deemed sensitive in nature, and so some parents would like to know about that. There is an opt-out provision, I would prefer it to be an opt-in, and as the way I read the resolution, there's nothing in there to demand that the department notify the parents before the survey is given.

"So, are we relying on the department in the beginning of the year to say, 'we might have some surveys in the selected sample, if you don't want to participate, opt-out'? That's probably not the best way to go about it. So for those reasons, I stand in opposition to this. Thank you."

Representative Fale rose in opposition to the measure and asked that the remarks of Representative McDermott be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 51, SD 1, HD 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE ADMINISTRATION OF THE YOUTH RISK BEHAVIOR SURVEY TO STUDENTS IN GRADES SIX TO TWELVE IN SELECT SCHOOLS," was adopted, with Representatives Fale and McDermott voting no, and with Representatives Lowen and Oshiro being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1696-14) recommending that S.C.R. No. 71 be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that S.C.R. No. 71 be adopted, seconded by Representative Cabanilla.

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

"Mr. Speaker, strong support of this historic journey by the Hōkūle'a, and written comment request please. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I rise in support of SCR 71.

"Several decades ago, the Hōkūle'a was sailed from Hawaii to Tahiti, proving the viability of Polynesian oceanic navigation, but the Hōkūle'a and its crew still have much to accomplish. The Hōkūle'a is now embarking on a four year world-wide voyage, which will have multiple benefits. Not only will it teach its crew invaluable skills such as teamwork, resourcefulness and seamanship, but it will also serve an important international outreach mission. The voyage will allow an exchange of knowledge and practices of environmental stewardship, among other things, between the crew of the Hōkūle'a and the many international destinations it plans to visit.

"The voyage can also serve to strengthen the bond between Hawaii and other members of our global community. Those of you interested can visit my office, Room 318, to see a cabinet made in 1976 by master craftsman Wright Bowman, from the excess Koa wood used to construct the Hōkūle'a, which he also built. We wish them Godspeed."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE AND STATE ENTITIES TO SUPPORT THE HOKULE'A AND HER CREW AS THEY JOURNEY AROUND THE WORLD," was adopted, with Representatives Lowen and Oshiro being excused.

#### ANNOUNCEMENTS

Representative Awana: "Thank you, Mr. Speaker. I'd just like to say congratulations that goes out to our own, Hawaii's Michelle Wie. This past Saturday she won the LPGA Lotte Championship at Ko Olina Golf Course. She had stated, 'From the first tee shot that I hit until the last putt that I made, the support that I felt from everyone was unbelievable. I really think a lot of times they willed the ball in. I give a lot of credit to them this week.'

"I for one, Mr. Speaker, walked with a crowd of hundreds who encouraged Michelle. I know what she spoke of. It was the spirit and the power of *aloha*. I would like to once again congratulate the 2014 LPGA Lotte Champion, Michelle Wie, her family, friends, fans, sponsors, and the Ko Olina personnel and staff for everyone's hard work and support on this momentous day. Thank you."

Representative Ward: "Mr. Speaker, a worthy international announcement is in lieu of a resolution that I was asking this Body to hear regarding the Ukraine and the Crimean situation. But to know that now, if you are a Jew and you are in the Ukraine, you have to register. I think that's worthy of noting, since that harkens back to the days of the '30s and the '40s, when the Jews and the persecution and the great demise of 6 million.

"So just to know that that's something that we should take note of, that the world is still not a safe place for democracy, particularly if it has regard with Mr. Putin. Thank you."

#### ADJOURNMENT

At 11:51 o'clock a.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 22, 2014. (Representatives Lowen and Oshiro were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 21, 2014, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 2481,	Tsuji/Choy/Takayama, Co-Chrs.;
HD 1, SD 2	Ward

House Communication dated April 21, 2014, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1038,	Nakashima/Rhoads/Yamashita, Co-Chrs.;
SD 2, HD 2	Ing, Johanson

S.B. No. 2397,	Tsuji/Wooley/Takayama, Co-Chrs.;
SD 2, HD 1	Brower, Ward

S.B. No. 2436,	Yamane/Evans/Takayama, Co-Chrs.;
SD 2, HD 1	Kawakami, McDermott

S.B. No. 3023,	Wooley/Tsuji/Onishi, Co-Chrs.;
SD 2, HD 1	Awana, Matsumoto

S.B. No. 3065,	Evans/Luke, Co-Chrs.;
SD 1, HD 1	Matsumoto

S.B. No. 3066,	Tsuji/Evans/Nishimoto, Co-Chrs.;
SD 2, HD 1	Choy, Kawakami, Ward