

THIRTY-FOURTH DAY

Monday, March 19, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:06 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Pastor David "Waxer" Tipton of One Love Ministries, after which the Roll was called showing all Members present with the exception of Representatives Carroll and Herkes, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 229) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 229, dated March 14, 2012, transmitting the 2011 Annual Report Relating to an Emergency Appropriation for Natural Disasters, prepared by Hawaii State Civil Defense pursuant to Act 78, SLH 2007, and Act 76, SLH 2009.

INTRODUCTIONS

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

Representative Awana introduced Mr. Oliver Weng, Director of the Taipei Economic and Cultural Office.

Representative Ching introduced her daughter, Miss Anna Lauren Lerner. She was accompanied by her legislative staff, Mr. Lindsey Barrow, Jr.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 182) was announced by the Clerk and the following action taken:

H.R. No. 182, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE CENTENNIAL ANNIVERSARIES FOR PALAMA SETTLEMENT, THE CHINESE CHAMBER OF COMMERCE OF HAWAII, AND LILIHA SHINGONJI MISSION," was jointly offered by Representatives Ching, Marumoto, Pine, Rhoads, Riviere, Thielen, Ward, Fontaine and Johanson.

Representative Ching moved that H.R. No. 182, be adopted, seconded by Representative Rhoads.

Representative Ching congratulated and thanked the Palama Settlement for their 100 years of service and support of the community, and introduced the honorees seated on the Floor of the House representing the Palama Settlement:

Ms. Jean Evans, Executive Director; and
Mr. Richards Sutton, Jr., Vice President.

Representative Ching also congratulated the Liliha Shingonji Mission on their centennial anniversary, and introduced the honoree seated on the Floor of the House:

Ms. Lorraine Minatoshi-Palumbo, on behalf of Reverend Clarence Higa.

Representative Ching then congratulated the Chinese Chamber of Commerce on their centennial anniversary.

Representative Rhoads then introduced the honorees seated on the Floor of the House representing the Chinese Chamber of Commerce:

Mr. John Hui, President; and
Mr. Vernon Ching, General Chairman of the Centennial Committee.

Representative Ching also recognized the many guests seated in the Gallery:

Palama Settlement

Ms. Mary Ann Chang, Board Member;
Mr. Bruce Greek, 3rd Vice President;
Ms. Sylvia Flores and Ms. Donna Taniguchi, Staff Members;
Ms. Jocelyn Ho, Liliha resident; and
Ms Lyn Moku, Director, Lanakila Meals on Wheels.

Liliha Shingonji Mission – Members

Ms. Setsuko Nakamoto;
Ms. Gayle Fujita;
Mr. Russell Honma, President of International Business and Government Affairs, Economic Development and Transportation; and
Ms. Girtie Hara, AARP advocate.

Chinese Chamber of Commerce

Mr. Leonard J.K.H Kam, President Elect;
Ms. Betty Anh H. Brow, 1st Vice President;
Ms. Tina Au, English Secretary;
Mr. Jeffrey D. Lau, Immediate Past President;
Mr. James Yuen, President of Hawaii Chinese News;
Mr. Chris Loo, President of Ket On Society;
Mr. Joseph Young, Chinese Society Past President;
Mr. Frances Goo, Chinese Society Past President;
Ms. Tiffany Au, 2012 Narcissus Queen; and
Mr. Oliver Weng, Director of the Taipei Economic and Cultural Office.

The motion was put to vote by the Chair and carried, and H.R. No. 182, was adopted, with Representatives Carroll and Herkes being excused.

At 12:29 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1089-12) recommending that S.B. No. 2542, SD 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. 2542, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1090-12) recommending that S.B. No. 2543, 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. 2543, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1091-12) recommending that S.B. No. 2773, SD 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. 2773, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1092-12) recommending that S.B. No. 2952, SD 2, 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. 2952, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR LE JARDIN ACADEMY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1093-12) recommending that S.B. No. 2057, SD 1, 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. 2057, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1094-12) recommending that S.B. No. 2214, SD 2, as amended in HD 1, 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. 2214, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, 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. 2214, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1095-12) recommending that S.B. No. 2213, SD 2, 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. 2213, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1096-12) recommending that S.B. No. 2167, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2167, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

PROFESSIONS AND VOCATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1097-12) recommending that S.B. No. 2432, SD 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. 2432, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1098-12) recommending that S.B. No. 2546, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that S.B. No. 2546, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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. 2546, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary, with Representative Belatti voting no, and with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1099-12) recommending that S.B. No. 2823, SD 1, 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. 2823, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"No vote, on this 300% fee increase."

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

"Reservations please, because of the high fee."

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

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

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

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

"Thank you, Mr. Speaker. I rise with reservations. This measure, Relating to Solid Waste, will increase the surcharge from 35 cents per ton to \$1.25 per ton. This may not seem like much, however, the estimated increase in revenue will be a half million dollars per year. In the end, consumers and taxpayers will be negatively impacted, and as stated by the General Contractors Association in their testimony, 'This increased surcharge will be passed onto contractors and owners and raise the cost of all construction projects, such as rail, transit oriented development, shipyard maintenance, as well as commercial and residential building and renovation. In today's economic situation, increasing costs will adversely affect economic recovery.'

"The existing funds that are collected for this Department are reallocated at many times to other divisions for purposes other than the Department's solid waste regulatory program as stated in this measure, as well as the Department's testimony. Mr. Speaker, as the Representative whose district includes the only solid municipal landfill on the most populated island, residents in this area have seen numerous incidents of illegal dumping, with little to no inspection, enforcement, or monitoring. It is my hope that the Finance Committee can take a closer look at where the existing fees are being expended.

"The Department of Health states that they are in need of these funds to address funding that they have received, yet used it for purposes other than its intended use. For the aforementioned reason, Mr. Speaker, I stand with strong reservations. Thank you."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. A ruling on a potential conflict. I have two contracting sons," and the Chair ruled, "no conflict."

Representative Thielen continued, stating:

"Thank you. Mr. Speaker. After the words of the former speaker, I'd like to change my vote with reservations to a no vote."

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

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

"Thank you, Mr. Speaker. In strong support with some comments. Thank you, Mr. Speaker. This is a carryover bill, a repeat from last year. This bill also addresses some waste energy disposal issues. And through the Committee process and some of the hearings we held, we've taken into account waste energy issues to some degree. What this surcharge is doing, is providing a benefit for waste energy issues and trying to, in some cases penalize solid waste. And the Department testified while they needed over \$600,000, they're not getting all of it. And for those reasons, I can support this."

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. 2823, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance, with Representatives Thielen and Ward voting no, and with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1100-12) recommending that S.B. No. 2337, SD 1, 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. 2337, SD 1, 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. 2337, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1101-12) recommending that S.B. No. 2971, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2971, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Herkes and Mizuno being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Ching, Herkes and Mizuno were excused.)

THIRD READING

S.B. No. 3024, SD 1, HD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, S.B. No. 3024, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Herkes and Mizuno being excused.

S.B. No. 2508, SD 2, HD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, S.B. No. 2508, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN REPORTING LAWS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Herkes and Mizuno being excused.

At 12:53 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 3024, SD 1, HD 1
S.B. No. 2508, SD 2, HD 1

ANNOUNCEMENTS

Representative Har: "Thank you, Mr. Speaker. Mr. Speaker, this morning your Committee on Water, Land and Ocean Resources filed a hearing notice for 11:15 a.m. on Wednesday March 21st, but unfortunately it was clocked in at the Sergeant at Arms Office at 11:21 a.m.

"Therefore, your Committee on Water, Land and Ocean Resources requests a waiver of the 48-hour advance notice requirement, for the purpose of conducting a public hearing and decision making on:

S.B. No. 2782, SD 2, Relating to Environmental Protection;
S.B. No. 580, SD 2, Relating to Aquatic Life; and
S.B. No. 755, SD 2, HD 1, Relating to Economic Development.

"Thank you, Mr. Speaker. The public hearing and decision making will be held on Wednesday, March 21st at 11:15 a.m. in Conference Room 325," and the Chair "so ordered."

At 12:54 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

Representative Har: "Thank you, Mr. Speaker. In addition, Members, decision making will be held on the following bills after the public hearing and decision making on the three previously noted bills.

"Decision making will occur on:

S.B. No. 2678, SD 2, Relating to Honouliuli;
 S.B. No. 2335, Relating to Special Management Areas; and
 S.B. No. 2918 SD 2, Relating to Community Development," and the Chair "so ordered.

Representative Ching: "Thank you, Mr. Speaker. We'd like to invite all the House Members up to Room 423 where there is a nice lunch going on with the three organizations that we honored on the Floor today. Thank you, Mr. Speaker."

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>
755, SD2, HD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2790, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance
3016, SD2, HD1	Committee on Public Safety & Military Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
3025, SD2	Jointly to the Committee on Housing and the Committee on Hawaiian Affairs, then to the Committee on Finance

ADJOURNMENT

At 12:56 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, Tuesday, March 20, 2012. (Representatives Carroll, Herkes and Mizuno were excused.)