

THIRTY-THIRD DAY**Monday, March 18, 2013**

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:07 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Reverend Alan Urasaki of Honpa Hongwanji Mission of Hawaii, after which the Roll was called showing all Members present with the exception of Representatives Carroll, McKelvey, Oshiro and Yamashita, who were excused.

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

INTRODUCTIONS

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

Representatives Cabanilla and Awana introduced Officers of the Pacifica Institute: Mr. Atilla Kahveci, Vice President, and Mr. Tezcan Inanlar, Government Affairs Officer.

Representative Kawakami, on behalf of the Kauai delegation, introduced friends from Kauai: Mr. Jonathan Caspillo, Ms. Melody Rita and Ms. Carol Caspillo.

Representative Takayama introduced members of the Pearl City High School Girls Varsity Wrestling Team, Winners of the 2013 Hawaii High School Athletics Association State Championship: Ms. Kristin Roche, Ms. Sarah Alegria, Ms. Xandria Ford, Ms. Joen Taminaga, Ms. Asia Evans, Ms. Kaimi Evans, Ms. Natanya Kang, Ms. Janelle Fuamatu, Ms. Ariana Fernandez and Ms. Alexis Ford. They were accompanied by Head Coach, Mr. Mike Lee and his wife, Ms. China Lee; and parent, Ms. Mahea Evans.

Representative Har introduced Congressman Patrick Kennedy, Co-Founder of Project SAM (Smart Approaches to Marijuana); Mr. Kevin Sabet, Co-Founder of Project SAM; Mr. John Redman, Executive Director of Californians for a Drug Free Policy; Mr. Alan Shinn, Executive Director of the Coalition of Drug Free Hawaii; and Mr. Keith Kamita, Deputy Director of Law Enforcement for Public Safety.

Representative Takayama introduced Third Graders from Pearl City Elementary School: Hannah Peczkowski, Nicole Alferos, Haley Fujino, Zayden Tolentino, Elijah Sharp; parents, Ms. Heather Grudzein, Mr. Mathew Grudzien and Mr. Malcolm Sharp; and teacher, Mr. Russell Minobe.

Representative Takumi introduced members of the early learning community: Mr. Kimo Steinwascher, Chair of the KCAA Board of Trustees; Mr. Derek Isono, President-Elect of the HAEYC Board; Dr. Robert Peters, Head of Hanahauoli School; Ms. Christina Cox, President of KCAA; Ms. Terry Lock and Ms. Wimmie Wong Lui from the Executive Office of Early Learning; and Mr. Terry George of the Harold Castle Foundation.

Representative Fale introduced his constituents, Mr. Dennis Harney and Ms. Carol Camacho-Nellis, who were here for today's Floor Presentation.

Representative Ward introduced Mr. Chuck Braden, early learning advocate and Rotarian.

ORDER OF THE DAY**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 197) was announced by the Clerk and the following action taken:

H.R. No. 197, entitled: "HOUSE RESOLUTION RECOGNIZING KAHUKU HIGH SCHOOL FOR ATHLETIC EXCELLENCE IN WINNING THE HAWAII STATE FOOTBALL CHAMPIONSHIP AND ACADEMIC EXCELLENCE IN WINNING THE HAWAII STATE "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" COMPETITION," was offered by Representative Fale.

Representative Fale moved that H.R. No. 197 be adopted, seconded by Representative Morikawa.

Representative Fale honored Kahuku High School for their "We the People: The Citizen and the Constitution" program and congratulated them for winning the statewide competition for the second year in a row, wished them luck in the upcoming national competition, and introduced the honoree seated on the Floor of the House:

Ms. Jan Harney, Social Studies teacher and We the People team advisor.

Representative Fale then congratulated the Varsity Football team for consistently producing stand-out college and NFL players, for back-to-back wins in 2011 and 2012 Division I State Football Championships with a perfect season in 2012, and introduced the honorees seated on the Floor of the House:

Mr. Reggie Torres, Head Coach, Varsity Football; and
Ms. Gillian Yamagata, Athletic Director.

Representative Fale then recognized Principal Donna Lindsey, who was seated on the Floor of the House, for providing leadership and oversight of the talented teachers and administrators at Kahuku High School.

Representative Morikawa recognized her alma mater, Kahuku High School, and thanked them for the values and skills that they instilled in her during her high school years and congratulated them on maintaining the high standards of a great school.

The motion was put to vote by the Chair and carried, and H.R. No. 197 was adopted, with Representatives Carroll, McKelvey, Oshiro and Yamashita being excused.

The following resolution (H.R. No. 198) was announced by the Clerk and the following action taken:

H.R. No. 198, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING CHALLENGER CENTER HAWAII ON THE OCCASION OF ITS 20TH ANNIVERSARY," was offered by Representative Har.

Representative Har moved that H.R. No. 198 be adopted, seconded by Representative Cullen.

Representative Har recognized the Challenger Center Hawaii as a valuable asset to the Department of Education, inspiring Hawaii's students to develop critical thinking, problem solving, teamwork and fundamental life skills, and motivating and educating teachers in the areas of science, technology, engineering and math, and honored them on their 20th anniversary.

Representative Cullen then introduced and recognized honorees seated on the Floor of the House:

Ms. Liane Kim, Director and founding teacher of Challenger Center Hawaii;
Mr. Clinton Churchill, President of Friends of Challenger Center Hawaii;
Mr. Stanley Seki, Secretary of Friends of Challenger Center Hawaii; and
Ms. Heidi Armstrong, Department of Education Area Superintendent, Campbell-Kapolei.

Representative Har then introduced and recognized guests seated in the gallery for their dedication and hard work supporting the Challenger Center Hawaii:

Mr. Wendell Thomas, teacher at Challenger Center Hawaii;
Ms. Claire Okazaki, part-time teacher at Challenger Center Hawaii; and
Ms. Stacie Taira Koike and Ms. Lindsey Kesel of Orasi Design,
Challenger Center Hawaii website designers.

Representative Cheape shared her experience as a student in the Challenger Center of Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 198 was adopted, with Representatives Carroll, McKelvey, Oshiro and Yamashita being excused.

At 12:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 991) recommending that S.B. No. 1042, SD 2, as amended in HD 1, pass Second Reading and was referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and S.B. No. 1042, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 992) recommending that S.B. No. 1066, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and S.B. No. 1066, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

Representatives Takumi and Belatti, for the Committee on Education and the Committee on Health, presented a report (Stand. Com. Rep. No. 993) recommending that S.B. No. 240, SD 2 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and S.B. No. 240, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 994) recommending that S.B. No. 573, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 573, SD 2, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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 Committee was adopted and S.B. No. 573, SD 2, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 995) recommending that S.B. No. 1039 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and S.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 996), recommending that H.C.R. No. 26 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE AND SALE OF PROPERTY," was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Oshiro being excused.

ANNOUNCEMENTS

Representative Belatti: "Thank you, Mr. Speaker. Just a brief announcement with regards to the Women's Legislative Caucus. Members, on your desk there's a ballot. I would just like to remind you first thing we're going to start collecting baskets for the Women's Legislative Caucus that we've been doing for the last few years, starting this Thursday. If you aren't able to deliver your baskets this Thursday to my office in Room 331, we will also be collecting baskets on the day of the pickup, Thursday, March 28. Third and last important announcement, please remember to vote for our very special Easter Bunny if you haven't done so already. Thank you very much."

Representative Awana: "Mr. Speaker, today, March 18th, commemorates the birth of President Grover Cleveland. As both the 22nd and 24th President of the United States, he held a close relationship with Queen Liliuokalani and the Hawaiian monarchy. Today from 12:00 noon to 1:00 p.m. the Pacific Justice and Reconciliation Center and the Interfaith Alliance of Hawaii hosted a ceremony at the Cleveland Court located in downtown Honolulu as a gesture of President Cleveland's kindness to the people of Hawaii.

"Also present were representatives and members from the Royal Order of Kamehameha, Matsunaga Institute for Peace, Gandhi Institute, Forgiveness Project, Kingdom of Hawaii Association of Hawaiian Civic Clubs, Office of Hawaiians Affairs, historic churches and the general public.

"Mr. Speaker, I'd like to also include in the Journal the brief message stated by President Cleveland to the United States Congress back in 1893, which is seen on the memorial dedicated to him in downtown Honolulu. Thank you, Mr. Speaker."

Representative Awana submitted the following:

"By an act of war committed with the participation of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our nation's character as well as the rights of the injured people requires we should endeavor to repair. – President Grover Cleveland Message to the U.S. Congress December 18, 1983

"Soon after the overthrow of the Hawaiian Monarchy on January 17, 1893, Grover Cleveland took office and withdrew the Treaty of Annexation. The people of Hawai'i dedicate this Court to President Grover Cleveland, with appreciation and *aloha*. March 18, 1994"

Representative Har: "Thank you, Mr. Speaker. Members, again as a friendly reminder, please join me at 2:00 today along with Senator Chun-Oakland. We are sponsoring the informational briefing featuring Congressman Kennedy and the other members of Project SAM, also known as Smart Approaches to Marijuana. 2:00, Room 312. Thank you."

Representative Tokioka: "Thank you, Mr. Speaker. I'd like to thank everyone who participated in the bake sale this morning in Room 423. I'd also like to thank our special judges who were Alan Wong and Roy Yamaguchi. I'd like to thank the people that put it all together, Amy from the Governor's Office, Eddie, Ann, Rich and Jazz. Thank you very much. We still have time after this session is over, Mr. Speaker, so if people want to go up and buy something from the bake sale, proceeds will go to the Meth Project. *Mahalo*."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R.
Nos.

Referred to:

- 92 Committee on Education, then to the Committee on Finance
- 93 Committee on Health, then to the Committee on Finance
- 94 Committee on Education, then to the Committee on Finance
- 95 Committee on Education, then to the Committee on Finance
- 96 Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
- 97 Committee on Education, then to the Committee on Finance
- 98 Committee on Water & Land
- 99 Committee on Energy & Environmental Protection, then jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land
- 100 Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance
- 101 Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance
- 102 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
- 103 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then jointly to the Committee on Education and the Committee on Higher Education
- 104 Committee on Public Safety, then to the Committee on Finance
- 105 Committee on Health, then to the Committee on Finance
- 106 Committee on Higher Education, then to the Committee on Finance
- 107 Committee on Transportation, then to the Committee on Consumer Protection & Commerce

- 108 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 109 Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
- 110 Committee on Agriculture, then to the Committee on Finance
- 111 Committee on Transportation
- 112 Committee on Economic Development & Business, then to the Committee on Consumer Protection & Commerce
- 113 Committee on Transportation
- 114 Committee on Transportation
- 115 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
- 116 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 117 Committee on Health, then to the Committee on Finance
- 118 Committee on Health, then to the Committee on Finance
- 119 Jointly to the Committee on Transportation and the Committee on Economic Development & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 120 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
- 121 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
- 122 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
- 123 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
- 124 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
- 125 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
- 126 Committee on Transportation, then to the Committee on Finance
- 127 Committee on Finance
- 128 Committee on Education, then to the Committee on Finance
- 129 Committee on Consumer Protection & Commerce
- 130 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary
- 131 Committee on Water & Land, then to the Committee on Veterans, Military, & International Affairs, & Culture and the Arts

132	Committee on Veterans, Military, & International Affairs, & Culture and the Arts	138	Committee on Consumer Protection & Commerce, then to the Committee on Finance
133	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance	139	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
134	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance	140	Committee on Agriculture, then to the Committee on Finance
135	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance	141	Committee on Transportation
136	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Finance	142	Committee on Transportation
137	Jointly to the Committee on Water & Land and the Committee on Housing, then to the Committee on Finance	143	Committee on Transportation
138	Committee on Agriculture, then to the Committee on Economic Development & Business	144	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
		145	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
<u>H.C.R.</u>		146	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
<u>Nos.</u>	<u>Referred to:</u>	147	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
121	Committee on Education, then to the Committee on Finance	148	Committee on Health, then to the Committee on Finance
122	Committee on Health, then to the Committee on Finance	149	Committee on Health, then to the Committee on Finance
123	Committee on Education, then to the Committee on Finance	150	Jointly to the Committee on Transportation and the Committee on Economic Development & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
124	Committee on Education, then to the Committee on Finance	151	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
125	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance	152	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
126	Committee on Education, then to the Committee on Finance	153	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
127	Committee on Water & Land	154	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
128	Committee on Energy & Environmental Protection, then jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land	155	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
129	Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance	156	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Economic Development & Business, then to the Committee on Finance
130	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance	157	Committee on Transportation, then to the Committee on Finance
131	Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance	158	Committee on Finance
132	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance	159	Committee on Education, then to the Committee on Finance
133	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then jointly to the Committee on Education and the Committee on Higher Education	160	Committee on Water & Land, then to the Committee on Finance
134	Committee on Public Safety, then to the Committee on Finance		
135	Committee on Health, then to the Committee on Finance		
136	Committee on Higher Education, then to the Committee on Finance		
137	Committee on Transportation, then to the Committee on Consumer Protection & Commerce		

- 161 Committee on Consumer Protection & Commerce
- 162 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary
- 163 Committee on Water & Land, then to the Committee on Veterans, Military, & International Affairs, & Culture and the Arts
- 164 Committee on Veterans, Military, & International Affairs, & Culture and the Arts
- 165 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
- 166 Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
- 167 Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
- 168 Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Finance
- 169 Jointly to the Committee on Water & Land and the Committee on Housing, then to the Committee on Finance
- 170 Committee on Agriculture, then to the Committee on Economic Development & Business

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>
68, SD1	Committee on Judiciary
472, SD1	Committee on Judiciary
1084, SD1, HD1	Committee on Education, then to the Committee on Finance
1095, SD2, HD1	Committee on Education, then to the Committee on Finance

ADJOURNMENT

At 12:56 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, Tuesday, March 19, 2013. (Representatives Carroll, McKelvey and Oshiro were excused.)