

FORTIETH DAY

Thursday, March 28, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:10 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Speaker Emeritus Calvin K.Y. Say, after which the Roll was called showing all Members present with the exception of Representative Cabanilla, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 249 through 255) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 249, dated March 22, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Accounting and General Services (DAGS).

1. Adds 15 positions and \$665,000 in general funds for FY 14 and FY 15 for the Office of Information Management and Technology (OIMT) for administrative support required to implement the Enterprise Resource Planning (ERP) projects statewide.
2. Reduces 13 vacant positions and \$665,000 in general funds for FY 14 and FY 15 to fund the newly created positions in OIMT.
3. Adds \$197,500 in general funds for FY 14 to restore the six-month delay in hiring imposed on new positions on the OIMT staff.
4. Adds \$25,000,000 in interdepartmental transfer funds for FY 14 and FY 15 for OIMT.
5. Adds \$100,000 in special funds for FY 14 and FY 15 to the Shared Services Technology Special Fund for salary restoration of the current staff.

Gov. Msg. No. 250, dated March 22, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Budget and Finance (B&F).

1. Adds \$25,000,000 in general funds for FY 14 to fund shortfalls in federal non-competitive grant amounts that are reduced in Federal Fiscal Year 2013 as the result of sequestration.
2. Adds a proviso to limit the use of the funds to address shortfalls in federal funding for non-competitive funds in Federal Fiscal Year 2013 by allowing B&F to transfer up to a total of \$25,000,000 to the affected department(s) and providing that the Legislature be notified of each transfer to the affected department(s) within ten days of the transfer.

Gov. Msg. No. 251, dated March 19, 2013, transmitting the 2012 Annual Report of the Hawaii Community Development Authority, pursuant to Section 206E-19, HRS.

Gov. Msg. No. 252, dated March 27, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Budget and Finance, State Salary Commission.

1. Adds \$1,280,137 in general funds for FY 14 and \$1,418,819 in general funds for FY 15.
2. Adds \$337,760 in special funds for FY 14 and \$383,127 in special funds for FY 15.
3. Adds \$93,036 in revolving funds for FY 14 and \$110,567 in revolving funds for FY 15.

Gov. Msg. No. 253, dated March 21, 2013, transmitting the Office of Information Management and Technology Procurement Report as of February 28, 2013, pursuant to Act 222, SLH 2012.

Gov. Msg. No. 254, dated March 27, 2013, transmitting the Report and Recommendations of the Commission on Salaries, pursuant to Section 26-56, HRS.

Gov. Msg. No. 255, dated March 27, 2013, transmitting the Medicaid Health Care Insurance Plan Contracts Report, prepared by the Department of Human Services, Med-QUEST Division pursuant to Section 103F-107, HRS.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 407 through 413) were received and announced by the Clerk:

Sen. Com. No. 407, transmitting H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFERS IN COMPROMISE," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 408, transmitting H.B. No. 915, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 409, transmitting H.B. No. 31, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 410, transmitting H.B. No. 430, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 411, transmitting H.B. No. 815, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC COOPERATIVES," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 412, transmitting H.B. No. 848, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 27, 2013.

Sen. Com. No. 413, transmitting H.B. No. 999, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 27, 2013.

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Awana and carried: (Representative Cabanilla was excused.)

H.B. No. 31, HD 1, (SD 1)
H.B. No. 430, HD 1, (SD 1)
H.B. No. 815, HD 2, (SD 1)
H.B. No. 848, HD 2, (SD 1)
H.B. No. 999, HD 2, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 95) was received by the Clerk and was placed on file:

Dept. Com. No. 95, from the County Clerk, County of Kaua'i, dated March 22, 2013, transmitting Resolution No. 2013-40, Draft 1, which was adopted by the Kaua'i County Council on March 13, 2013.

INTRODUCTIONS

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

Representatives Ohno, Rhoads, Cachola and Mizuno introduced 9th grade students and teachers from Farrington High School: Ms. Michelle Murray, Social Studies; Mr. Sean Doo, Math; Mr. Thinh Vu, English; Ms. Leticia Meji and Ms. Debbie Pollock, Science; and chaperone, Ms. Sophie Wong.

Representative Fale introduced Mr. Filipe Tohi, master craftsman of the traditional art of lalava, originally from the Kingdom of Tonga.

Representative Cheape, on behalf of the Mililani delegation, introduced students and teachers from Mililani High School: Mrs. Richmond, Ms. Gearen, Ms. Perruso, and Ms. Castro.

Representative Har introduced her friend, Ms. Sharon Mahoe, former Executive Director of the Hawaii Teacher's Standard Board and former President of HSTA; Mr. Tim Ho from the Public Defender's Office; and Ms. Laurie Lum from Watanabe Ing.

Representative Fale introduced his mother, Mrs. Kim Fale, one time State Economics Teacher of the Year and current AP Economics teacher at Kamehameha.

Representative Takai introduced colleagues and friends of Dr. Doris Ching and Dr. Amy Agbayani: Dr. Sam Museus, Dr. Blair Odo, Ms. Sharon Mahoe, Ms. Danielle Lum, Ms. Sharon Hicks, Ms. Nettie Young, Ms. Faye Kennedy, Ms. Allicyn Tasaka, Mr. Mike Dahilig, Dr. Teresita Ramos, Dr. Melinda Kerkvliet, Dr. Ben Kervliet, Ms. Pua Auyong, Dr. Pat Masters, Dr. Maile Goo, Ms. Charlene Cuaresma, Ms. Anges Malate, Ms. Jade Butay, Ms. Deanna Espina, Mrs. Maan Manahan, Ms. Luella Costales, Councilmember Joey Manahan.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 208) was announced by the Clerk and the following action taken:

H.R. No. 208, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING DR. AMEFIL AGBAYANI AND DR. DORIS CHING FOR STRENGTHENING THE VOICES OF ASIAN AMERICANS AND PACIFIC ISLANDERS IN HIGHER EDUCATION," was jointly offered by Representatives Takumi and Takai.

Representative Takumi moved that H.R. No. 208 be adopted, seconded by Representative Takai.

Representative Takumi recognized *Asian Americans and Pacific Islanders in Higher Education: Research and Perspectives on Identity, Leadership, and Success* as being the first book ever published on Asian-American and Pacific Island professionals in higher education, countering previous misinformation and showcasing Hawaii's national leadership, giving voice and visibility to populations who have been historically excluded.

Representative Takumi then introduced the honorees seated on the Floor of the House, thanked them for their service in higher education and to the community, and congratulated them on the publication of their book:

Dr. Amefil "Amy" Agbayani, Founding Director of Student Equity, Excellence and Diversity Program (SEED) at the University of Hawaii at Manoa, and Co-Founder of Operation Manong.

Dr. Doris Ching, educational leader and University of Hawaii faculty, first female Vice President of Student Affairs at University of Hawaii at Manoa from 1987 – 2005.

Representative Takai congratulated the honorees, and introduced their family seated in the gallery:

Family of Dr. Agbayani: Dr. Gus Gustafson, partner; and Ms. Lina Agbayani and Mrs. Aleli Starosta, sisters.

Family of Dr. Ching: Mr. Wilbert Ching, husband; Mr. Albert and Mrs. Priscilla Chun, in-laws; Ms. Kelly Chun, niece; Ms. Lori Lum, niece; Mr. Glenn Ching, nephew; Ms. Dorothy Nada and Mrs. Helen Yanamura, sisters; and Mr. Ken Yanamura, brother-in-law.

Representative Aquino recognized the honorees as pioneers in their field and thanked them for dedicating their life's work to increasing Asian-American and Pacific Islander voices in higher education, and increasing the quality of education and improving programs for all students.

Representative Ward commended the honorees on increasing the awareness, the standing and the input that Asian-Americans have made, and thanked them for all they have done for Hawaii.

Representative Cabanilla, on behalf of the Filipino Caucus, recognized Dr. Amy Agbayani as the jewel of the Filipino community.

The motion was put to vote by the Chair and carried, and H.R. No. 208 was adopted, with Representatives Lee and Tokioka being excused.

The following resolution (H.R. No. 209) was announced by the Clerk and the following action taken:

H.R. No. 209, entitled: "HOUSE RESOLUTION RECOGNIZING THE OUTSTANDING TEACHING ACCOMPLISHMENTS OF MILILANI HIGH SCHOOL'S JUDY TAPARRA," was offered by Representative Yamane.

Representative Yamane moved that H.R. No. 209 be adopted, seconded by Representative Takumi.

Representative Yamane recognized Mrs. Judy Taparra's part in Mililani High School's nationally recognized academic achievements and thanked her for her commitment and dedication to teaching our youth, bestowing them with knowledge and encouragement to become positive individuals, resourceful thinkers and effective communicators.

Representative Yamane then introduced honorees seated on the Floor of the House:

Mrs. Judy Taparra, AP Psychology Teacher at Mililani High School; Mr. Tony Taparra, her husband; Mr. Mervin Wong and Mrs. Shirley Wong, her parents; and Mr. Fred Murphy, Mililani High School Principal.

Representative Yamane also recognized the 85 AP students who were seated in the gallery, including his legislative intern, Ms. Kristen Brown.

Representative Fukumoto shared some of Mrs. Taparra's students' testimonials, recognizing Mrs. Taparra as an outstanding, influential teacher, who engages her students on a personal level.

Representative Cheape shared her experiences as a student of Mrs. Taparra, and thanked her for always encouraging and supporting her to do her best.

The motion was put to vote by the Chair and carried, and H.R. No. 209 was adopted, with Representatives Lee and Tokioka being excused.

At 12:45 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1229) recommending that S.B. No. 54, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action was deferred one legislative day.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1230) recommending that S.B. No. 442, SD 1, as amended in HD 1, 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 S.B. No. 442, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1231) recommending that S.B. No. 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Awana.

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

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

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

Representative Fale rose and asked that the Clerk record a no vote 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. 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SIMULATED FIREARMS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Fale, Hanohano and McDermott voting no, and with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1232) recommending that S.B. No. 30, SD 1, as amended in HD 1, 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 S.B. No. 30, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1233) recommending that S.B. No. 192, as amended in HD 1, 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 S.B. No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1234) recommending that S.B. No. 853, SD 1, as amended in HD 1, 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 S.B. No. 853, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTIONS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representatives Rhoads and McKelvey, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1235) recommending that S.B. No. 32 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 Committees was adopted and S.B. No. 32, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1236) recommending that S.B. No. 31, as amended in HD 1, 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 S.B. No. 31, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1237) recommending that S.B. No. 194, SD 1, as amended in HD 1, 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 S.B. No. 194, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1238) recommending that S.B. No. 966, as amended in HD 1, 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 S.B. No. 966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1239) recommending that S.B. No. 502, SD 1, as amended in HD 1, 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 S.B. No. 502, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE SELLER DISCLOSURE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1240) recommending that S.B. No. 341, SD 2 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 S.B. No. 341, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF REMAINS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1241) recommending that S.B. No. 995, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 995, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Awana.

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

Representative Fale 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. 995, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Lee and Tokioka being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1242), recommending that H.R. No. 22 be referred to the Committee on Tourism.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY, AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA," was referred to the Committee on Tourism, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1243), recommending that H.C.R. No. 8 be referred to the Committee on Tourism.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY, AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA," was referred to the Committee on Tourism, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1244), recommending that H.C.R. No. 109 be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION, AS PART OF ITS DEVELOPMENT OF A

COMPREHENSIVE HAWAIIAN STUDIES PROGRAM, TO CREATE A COALITION TO ADDRESS THE ISSUE OF DEVELOPING ASSESSMENTS REQUIRED BY THE NO CHILD LEFT BEHIND ACT OF 2001 IN THE HAWAIIAN LANGUAGE FOR HAWAIIAN LANGUAGE IMMERSION STUDENTS TO MORE ACCURATELY MEASURE THEIR ACADEMIC ACHIEVEMENT," was referred to the Committee on Education, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1245), recommending that H.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.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION, WITH THE COOPERATION OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY ON THE FEASIBILITY OF OFFERING A SOLAR WATER HEATING SYSTEM TAX CREDIT," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1246), recommending that H.C.R. No. 44 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. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION, WITH THE COOPERATION OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY ON THE FEASIBILITY OF OFFERING A SOLAR WATER HEATING SYSTEM TAX CREDIT," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1247), recommending that H.C.R. No. 226 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. 226, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR FEDERAL FUNDING TO FINANCE A COMPREHENSIVE FEASIBILITY STUDY TO EVALUATE THE POTENTIAL FOR ESTABLISHING A WORLD-CLASS COMMERCIAL SPACE LAUNCH AND CONTROL FACILITY IN THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1248), recommending that H.R. No. 68 be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY EXAMINING THE PARITY OF THE CURRENT TAX FEE STRUCTURE IMPOSED ON VIDEO PROGRAMMING SERVICE PROVIDERS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 1249), recommending that H.C.R. No. 88 be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY EXAMINING THE PARITY OF THE CURRENT TAX FEE STRUCTURE IMPOSED ON VIDEO PROGRAMMING SERVICE PROVIDERS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1250), recommending that H.R. No. 144 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.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONDUCT A FEASIBILITY STUDY ON TOURISM TO GENERATE MORE REVENUE FROM THE HAWAII CONVENTION CENTER," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1251), recommending that H.C.R. No. 179 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. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONDUCT A FEASIBILITY STUDY ON OPTIONS TO GENERATE MORE REVENUE FROM THE HAWAII CONVENTION CENTER," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1252), recommending that H.R. No. 70, as amended in HD 1, be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 70, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY WITH COOPERATION FROM THE DEPARTMENT OF HEALTH AND THE HAWAII VISITORS AND CONVENTION BUREAU TO IMPROVE MARKETING AND VISITOR INFORMATION STRATEGIES TO ATTRACT TRAVELERS WITH DISABILITIES TO HAWAII," was referred to the Committee on Health, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1253), recommending that H.R. No. 30 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.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1254), recommending that H.C.R. No. 48 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. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1255), recommending that H.R. No. 80, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 80, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF UNACCREDITED DEGREE GRANTING INSTITUTIONS IN THE STATE," was referred to the Committee on Legislative Management, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1256), recommending that H.C.R. No. 105, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF UNACCREDITED DEGREE GRANTING INSTITUTIONS IN THE STATE," was referred to the Committee on Legislative Management, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representatives Nakashima and Choy, for the Committee on Labor & Public Employment and the Committee on Higher Education, presented two reports:

(Stand. Com. Rep. No. 1257), recommending that H.R. No. 85 be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1258), recommending that H.C.R. No. 114 be referred to the Committee on Finance.

Representative Saiki moved that the reports of the Committees be adopted, and that H.R. No. 85; and H.C.R. No. 114 be referred to the Committee on Finance, seconded by Representative Awana.

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. I rise with reservations on these measures. This would call for a study for the unionization of graduate students. Mr. Speaker, I rise as a former graduate teaching assistant and that's really what the resos are about. It's not about graduate students, it's about teaching assistants.

"Mr. Speaker, where I have a problem is that this, I would presume, should have been vetted with student government. I know a lot of Members have been in student government. And the Board of Regents. This now goes to the auditor, which has a backlog of doing audits and as you know audits usually start from 35 – 50,000 and up. This is not a time when they can actually probably even afford to do this, but I'd like to see it processed through student government, through the Board of Regents, rather than kicking it here and knowing that they themselves have not processed. As we know, the Board of Regents have skipped over a number of things in the past and I think this is one of those resos that they could deal with. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE POTENTIAL EFFECTS OF ALLOWING GRADUATE STUDENTS OF THE UNIVERSITY OF HAWAII TO UNIONIZE," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused; and

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE POTENTIAL EFFECTS OF ALLOWING GRADUATE STUDENTS OF

THE UNIVERSITY OF HAWAII TO UNIONIZE," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 1259), recommending that H.C.R. No. 128, as amended in HD 1, be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 128, HD 1 be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, seconded by Representative Awana.

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 H.C.R. No. 128, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO MAKE AVAILABLE TO THE PUBLIC AN ANNUAL REPORT ON THE STATE'S ENDANGERED MARINE ANIMALS," was referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 1260), recommending that H.R. No. 73, as amended in HD 1, be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 73, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES IN ESTABLISHING CRITICAL HABITAT DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE," was referred to the Committee on Water & Land, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 1261), recommending that H.C.R. No. 96, as amended in HD 1, be referred to the Committee on Water & Land.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 96, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE TO WORK WITH AFFECTED PERSONS AND COUNTIES IN ESTABLISHING CRITICAL HABITAT DESIGNATIONS FOR ENDANGERED SPECIES IN THE STATE," was referred to the Committee on Water & Land, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1262), recommending that H.C.R. No. 49, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 49, HD 1 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."

Representative Har 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 H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A SMALL BOAT HARBOR MANAGEMENT TASK FORCE," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1263), recommending that H.C.R. No. 160, as amended in HD 1, 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. 160, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A HISTORIC PLACES TASK FORCE," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1264), recommending that H.C.R. No. 98 be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ONGOING EFFORTS TO PLAN AND DEVELOP A SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) EDUCATION AND TRAINING CENTER IN KAKA'AKO MAKAI," was referred to the Committee on Education, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1265), recommending that H.R. No. 61 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.R. No. 61, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE HAWAII STATE HISTORIC PRESERVATION PLAN," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1266), recommending that H.C.R. No. 77 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. 77, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE HAWAII STATE HISTORIC PRESERVATION PLAN," was referred to the Committee on Finance, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1267) recommending that H.R. No. 87 be adopted.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS TO UTILIZE THE ART IN PUBLIC PLACES PROGRAM TO INCLUDE MORE ART PROGRAMS FOR CHILDREN," was adopted, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 1268) recommending that H.C.R. No. 116 be adopted.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS TO UTILIZE THE ART IN PUBLIC PLACES PROGRAM TO INCLUDE MORE ART PROGRAMS FOR CHILDREN," was adopted, with Representatives Belatti, Ito, Lee and Tokioka being excused.

Representative Evans, for the Committee on Water & Land, presented a tow reports:

(Stand. Com. Rep. No. 1269) recommending that H.R. No. 131 be adopted; and

(Stand. Com. Rep. No. 1270) recommending that H.C.R. No. 163 be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 131; and H.C.R. No. 163 be adopted, seconded by Representative Awana.

Representative Coffman rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. Please record a no vote and brief comment. Thank you, Mr. Speaker. Just noting that first of all, I don't think the testimony really supported these resolutions. But this is also an unfunded mandate which I don't think we're supposed to do. So, thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 131, entitled: "HOUSE RESOLUTION ESTABLISHING A PILOT PROGRAM FOR THE CREATION OF URBAN ART ON STATE-OWNED PROPERTY UNDER THE DIRECTION OF THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS," was adopted, with Representatives Coffman and Hanohano voting no, and with Representatives Belatti, Ito, Lee and Tokioka being excused; and

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A PILOT PROGRAM FOR THE CREATION OF URBAN ART ON STATE-OWNED PROPERTY UNDER THE DIRECTION OF THE HAWAII STATE FOUNDATION ON CULTURE AND THE ARTS," was adopted, with Representatives Coffman and Hanohano voting no, and with Representatives Belatti, Ito, Lee and Tokioka being excused.

ANNOUNCEMENTS

Representative Cheape: "I just wanted to announce that this weekend, Friday, Saturday, is the final home games of the UH Men's Volleyball team. And the reason I'm letting you know about that is I'm a very proud older sister, and my brother Matthew Cheape is the only senior on the UH Men's Volleyball team and they'll be having Senior Night on Saturday. So if anybody can make it I would love to have you come out. We sit in the cheap seats, no pun intended, and we wear bright yellow shirts and we'll have one for everybody. So please come out, I'd love if you'd support my brother. Went to Mililani High School, worked his way, played for five years and is finally being able to start in his senior year. So, that's just my announcement for today. Thank you."

Representative Takai: "Thank you, Mr. Speaker. Dr. Ching and Dr. Agbayani wanted to remind everyone that they have lunches for all of us, and that's just for the Members, both House and Senate. I believe it's in Room 329. But please don't bring your staff because there's only enough for just the Members. Thank you."

Representative Awana: "Thank you, Mr. Speaker. I'd like to take this opportunity to congratulate the middle and high school students in both

private and public schools who garnered numerous awards during the National Student Television Awards event which was held in Los Angeles, California about two weeks ago. Students from across the state from Kauai to Hawaii Island were represented. I'd like to ask, Mr. Speaker, with your indulgence, that I be allowed to enter additional comments inclusive of the schools and awards received in their respective categories. Thank you, Mr. Speaker."

Representative Awana submitted the following:



HAWAII STATE DEPARTMENT OF EDUCATION

NEWS RELEASE

NEIL ABERCROMBIE
GOVERNOR

KATHRYN S. MATAYOSHI
SUPERINTENDENT

March 28, 2013

Department of Education Schools Lead Strong Hawaii Showing at National Student Television Awards

HONOLULU – Led by five awards from Waianae High School, public schools captured 16 of 17 awards won by Hawaii schools this month at the 10th Annual Student Television Network (STN) Convention in Los Angeles, Calif.

Nearly 2,500 students from 153 middle and high schools across the country attended this year's convention, March 7-10. Hawaii was well represented with the third-largest contingent with 15 public and private schools. During the four-day convention, students and teachers were able to select from more than 90 breakout sessions taught by industry professionals covering all areas of broadcast journalism, video production, filmmaking and media.

Also as part of the convention, STN held onsite contests for video production in 27 categories, during which public schools dominated Hawaii's cadre of awards. Kamehameha Schools Maui took home a second-place award in the "Tell the Story" category. Here is how island public schools placed in the competition:

Waianae High School:

1st Place – Convention Recap
1st Place – STN Excellence Award for Monthly Broadcast
2nd Place – Laptop Journalist
3rd Place – Short Story
Honorable Mention – Broadcast News Writing

Chiefess Kamakahelei Middle School (Kauai):

1st Place – Spot Feature
2nd Place – Middle School Movie Trailer
3rd Place – Middle School Public Service Announcement
Honorable Mention – Middle School Anchoring

Waianae Intermediate School:

2nd Place – Middle School Music Video
2nd Place – Sweet 16 Broadcast Journalism

Moanalua High School:

Honorable Mention – Laptop Journalist
Honorable Mention – Music Video

Waiakea Intermediate School (Hawaii Island):

3rd Place – Middle School Anchoring

Waiakea High School (Hawaii Island):

Honorable Mention – High School Anchoring

Maui Waena Intermediate School (Maui):

Honorable Mention – Middle School Public Service Announcement

"There is an extraordinary wealth of talent among our public schools," said Candy Suiso, a Waianae High teacher considered one of the pioneers of student video production in Hawaii. "Waianae High continues to set the standard among Hawaii's schools, but what is rewarding is to see how many other schools have invested in this medium as part of their curriculum over the past decade."

Waianae High School's videos are available for viewing at <http://vimeo.com/spwhs>, while Chiefess Kamakaha Middle School's winning videos can be found at <http://vimeo.com/cktvmediaproductions>.

STN is a nonprofit organization started in 1999 by a group of dedicated teachers who volunteered their time, energy, and vision. With hundreds of affiliate public and private schools, STN embraces the educational components of broadcast journalism, video production, filmmaking and media by networking students and teachers with professionals in the industry. A list of competition winners can be found at <http://www.studenttelevision.com/convention.htm>.

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Representative Ward: "Mr. Speaker, by the opening of Speaker Say Emeritus, the hope and healing is this weekend. Happy Easter."

Representative Wooley: "Thank you, Mr. Speaker. I just wanted to thank everybody who participated in Ag Day at the Capitol today. It was a very successful day, we had a lot of farmers representing bees, cattle, eggs, papaya. So, *mahalo* to everybody who was able to make it. And for those of you who are interested in some apple bananas left over from my place, please come to my office, Room 441. *Mahalo*."

COMMITTEE REASSIGNMENTS

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

H.R.

No. **Re-referred to:**

143 Committee on Health, then to the Committee on Finance

H.C.R.

Nos. **Re-referred to:**

60 Committee on Veterans, Military, & International Affairs, & Culture and the Arts

176 Committee on Health, then to the Committee on Finance

S.B.

No. **Re-referred to:**

5, Jointly to the Committee on Agriculture and the Committee on
SD1 Water & Land, then to the Committee on Finance

ADJOURNMENT

At 1:11 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, Monday, April 1, 2013. (Representatives Belatti, Ito, Lee and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 28, 2013, 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 House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 31, HD 1, SD 1
H.B. No. 430, HD 1, SD 1
H.B. No. 815, HD 2, SD 1
H.B. No. 848, HD 2, SD 1
H.B. No. 999, HD 2, SD 1