

## FIFTY-SECOND DAY

**Thursday, April 23, 2009**

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:06 o'clock p.m., with Vice Speaker Magaoy presiding.

The invocation was delivered by Pastor Joseph Hunkin of the Lighthouse Outreach Center, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Takai and Takumi, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Forty-Second, Forty-Third and Forty-Fourth days were approved. (Representatives Bertram, Takai and Takumi were excused.)

**GOVERNOR'S MESSAGE**

The following message from the Governor (Gov. Msg. No. 299) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 299, informing the House that on April 22, 2009, the following bill was signed into law:

S.B. No. 190, SD 1, HD 2, entitled: A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOME." (ACT 013)

**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 722 through 731) were received and announced by the Clerk:

Sen. Com. No. 722, transmitting H.C.R. No. 19, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR," which was adopted by the Senate on April 22, 2009.

Sen. Com. No. 723, transmitting H.C.R. No. 24, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN," which was adopted by the Senate on April 22, 2009.

Sen. Com. No. 724, transmitting H.C.R. No. 42, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES," which was adopted by the Senate on April 22, 2009.

Sen. Com. No. 725, transmitting H.C.R. No. 56, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," which was adopted by the Senate on April 22, 2009.

Sen. Com. No. 726, transmitting H.C.R. No. 65, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII-AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI," which was adopted by the Senate on April 22, 2009.

Sen. Com. No. 727, dated April 22, 2009, informing the House that the following bills have this day passed Final Reading in the Senate:

H.B. No. 895, HD 2, SD 2, CD 1  
H.B. No. 1175, HD 3, SD 2, CD 1  
H.B. No. 1741, HD 1, SD 1, CD 1  
H.B. No. 1747, HD 1, SD 1, CD 1  
S.B. No. 1111, SD 1, HD 1, CD 1

Sen. Com. No. 728, informing the House that the Senate has on April 21, 2009, reconsidered its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to the following Senate bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 301, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGISTERED AGENTS ACT."

S.B. No. 521, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Sen. Com. No. 729, dated April 22, 2009, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1260, Senator(s) Fukunaga added as conferee(s).  
HD1, SD1

S.B. No. 199, Senator(s) Fukunaga, Tsutsui added as conferee(s).  
SD1, HD1,  
CD1

S.B. No. 892, Senator(s) Taniguchi added as Co-Chair(s).  
SD1, HD2

Sen. Com. No. 730, dated April 22, 2009, informing the House that the President has this day appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 995, Hee, Chair; Kim/Taniguchi, Co-Chairs; Fukunaga,  
SD2, HD3 Kokubun

S.B. No. 1677, Hee, Chair; Taniguchi, Co-Chair; Fukunaga,  
SD1, HD2 Kokubun, Takamine, Slom

Sen. Com. No. 731, dated April 22, 2009, informing the House that the President has this day appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House bills [sic]:

H.B. No. 1404, Baker, Chair; Kim, Co-Chair; Slom  
HD1, SD1

**ORDER OF THE DAY**

**COMMITTEE REASSIGNMENTS**

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

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
263	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
------------------------------	------------------------

31, SD2	Committee on Housing
45, SD1	Committee on Consumer Protection & Commerce
53, SD1	Committee on Consumer Protection & Commerce
64, SD1	Committee on Labor & Public Employment
78, SD1	Committee on Finance

At this time, the Chair stated:

"Members, please note that Senate Concurrent Resolution No. 121, Senate Draft 1, House Draft 1, has been re-referred solely to the Committee on Agriculture per Committee Referral Sheet No. 60. The Committee on Higher Education waived its referral to this measure.

"In addition, Senate Concurrent Resolution No. 127, has also been re-referred solely to the Committee on Hawaiian Affairs per Committee Referral Sheet No. 60. The Committee on Tourism, Culture, & International Affairs waived its referral to this measure, therefore it's appropriate for the House to consider action for adoption of said measures listed on pages 1 and 2."

#### SUSPENSION OF RULES

Representative B. Oshiro moved to suspend the rules of the House to reconsider action previously taken on S.C.R. No. 121, SD 1, HD 1, and S.C.R. No. 127, seconded by Representative Evans.

At 12:13 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:14 o'clock p.m.

The motion was put to vote by the Chair and carried, and the rules were suspended to reconsider action previously taken on S.C.R. No. 121, SD 1, HD 1, and S.C.R. No. 127. (Representatives Bertram, Takai and Takumi were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1864, recommending referral to the Committees on Higher Education and Education, and Standing Committee Report No. 1865, recommending referral to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans and carried. (Representatives Bertram, Takai and Takumi were excused.)

#### UNFINISHED BUSINESS

##### S.C.R. No. 121, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 121, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, IN COOPERATION WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF EDUCATION, AND THE HAWAII FARM BUREAU FEDERATION, TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO CONSIDER THE

FEASIBILITY OF ESTABLISHING A FARM TO SCHOOL PROGRAM IN HAWAII'S PUBLIC SCHOOLS," was adopted with Representatives Bertram, Takai and Takumi being excused.

##### S.C.R. No. 127:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. NO. 127, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was adopted with Representatives Bertram, Takai and Takumi being excused.

#### CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Report No. 5 as listed on page 2."

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1739, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 5) recommending that H.B. No. 1739, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and H.B. No. 1739, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain House bill for Final Reading by consent calendar. (Representatives Bertram, Takai and Takumi were excused.)

#### FINAL READING

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the House agreed to the amendments made by the Senate to H.B. No. 1414, HD 1, (SD 1). (Representatives Bertram, Takai and Takumi were excused.)

##### H.B. No. 1414, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1414, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO METAL," passed Final Reading by a vote of 48 ayes, with Representatives Bertram, Takai and Takumi being excused.

At 12:17 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1414, HD 1, SD 1

#### SUSPENSION OF RULES

On motion my Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House bill. (Representatives Bertram, Takai and Takumi were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House bill, seconded by Representative Evans.

H.B. No. 1059, HD 2, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House bill. (Representatives Bertram, Takai and Takumi were excused.)

#### ANNOUNCEMENTS

Representative Nakashima, for the Committee on Higher Education requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing Senate Concurrent Resolution No. 51, Urging the Regents Candidate Advisory Council for the Board of Regents of the University of Hawaii to Convene a Working Group of Students and Other Appropriate Parties to Develop and Implement a Modified Process for the Selection of Candidates for the Student Member of the University of Hawaii Board of Regents, with decision making to follow on Friday at 2:15 p.m. in Room 329, and the Chair "so ordered."

Representative Manahan: "Thank you Mr. Speaker, I just wanted to announce that today is International Education Day, and upstairs on the 4th Floor we have a number of exhibitors from the University and other schools, and programs promoting international exchanges here in our State. I welcome all the Members to come and visit and check out the booths. They're really quite interesting. I also wanted to give a special thanks to Milton Kwock from the Office of International Relations at DBEDT for helping us put that together. Thank you."

#### ADJOURNMENT

At 12:20 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, Friday, April 24, 2009. (Representatives Bertram, Takai and Takumi were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 23, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the Senate amendments to the following House bill, and has passed said bill on Final Reading:

H.B. No. 1414, HD 1, SD 1

House Communication dated April 23, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 16, 2009, and gives notice of intent to agree to the following House bill:

H.B. No. 1059, HD 2, SD 1