

## SEVENTH DAY

Friday, January 29, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaaoay presiding.

The invocation was delivered in song by Representative Faye P. Hanohano, after which the Roll was called showing all Members present with the exception of Representative Herkes, who was excused.

## SUPPLEMENTAL CALENDAR #1

Representative Say moved that action on H.B. No. 444, HD 1, SD 1, be postponed indefinitely, seconded by Representative Chong.

Representative Bertram rose to speak in opposition to the motion, stating:

"Yes, I don't support this motion mainly because I would love to see us vote this down and bring this whole issue back to our Caucuses, as well as to our Chamber so we can have a full discussion about this issue regardless of what the Governor may or may not do. I appreciate the intent of it, although I do disagree with it. Thank you."

The motion was put to vote by the Chair and carried, and action on H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was postponed indefinitely, with Representative Bertram voting no, and with Representative Herkes being excused.

## ORDINARY CALENDAR

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 162 through 164) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 162, dated January 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-319, Hawaii Revised Statutes, Hawaii Rx Plus Program Report.

Gov. Msg. No. 163, dated January 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 92, Session Laws of Hawaii 2007, on Immunosuppressant Medication.

Gov. Msg. No. 164, dated January 26, 2010, transmitting the Department of Land and Natural Resources' report, Report On The Findings And Recommendations Of Effectiveness Of The West Hawaii Regional Fishery Management Area, as required by Section 188F-5, Hawaii Revised Statutes.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 52 through 54) were received by the Clerk and were placed on file:

Dept. Com. No. 52, from the Legislative Reference Bureau, transmitting Report No. 3, 2009, A Review of the Capital Improvement Project Allotment Process and the Memorandum of Understanding Between the Department of Education and the Department of Budget and Finance.

Dept. Com. No. 53, from the Legislative Reference Bureau, transmitting Report No. 1, 2010, The Hawaii Teacher Standards Board – Is Oversight Needed?

Dept. Com. No. 54, dated January 28, 2010, from Marion M. Higa, State Auditor, transmitting the report, Investigation of Specific Issues of the Department of Business, Economic Development & Tourism.

## INTRODUCTIONS

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

Representative C. Lee introduced Kailua High School seniors, Ms. Nahuina Ka' iama, Ms. Ashley Josui and Ms. Keyla Higa.

Representative Finnegan introduced constituents, Ms. Brianna Chung, Ms. Patti Chung, Mr. Jake Chung, Sr., Mr. Jake Ching, Jr., Ms. Winifred Chung, and Mr. Robert Noriega.

Representative Rhoads introduced his constituent, Ms. Sandy Stroud.

At 12:14 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
3	Committee on Tourism, Culture, & International Affairs
4	Committee on Judiciary, then to the Committee on Legislative Management
5	Committee on Health, then to the Committee on Legislative Management
6	Committee on Housing, then to the Committee on Judiciary
7	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
8	Committee on Human Services, then to the Committee on Finance
9	Committee on Higher Education
10	Committee on Human Services, then to the Committee on Finance
11	Committee on Human Services, then to the Committee on Judiciary
12	Committee on Health, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>		
		26	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
4	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	27	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
5	Committee on Tourism, Culture, & International Affairs	28	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
6	Committee on Judiciary, then to the Committee on Legislative Management	29	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
7	Committee on Health, then to the Committee on Judiciary	30	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
8	Committee on Hawaiian Affairs, then to the Committee on Finance	31	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
9	Committee on Hawaiian Affairs, then to the Committee on Finance	32	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
10	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management	33	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
11	Committee on Health, then to the Committee on Legislative Management	34	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
12	Committee on Housing, then to the Committee on Finance	35	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
13	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	36	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
14	Committee on Human Services, then to the Committee on Finance	37	Committee on Health, then to the Committee on Finance
15	Committee on Health, then to the Committee on Finance	38	Committee on Education, then to the Committee on Finance
16	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management	39	Committee on Labor & Public Employment, then to the Committee on Human Services, then to the Committee on Finance
17	Committee on Higher Education, then to the Committee on Finance	40	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
18	Committee on Higher Education	41	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
19	Committee on Human Services, then to the Committee on Finance	42	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
20	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture and the Committee on Hawaiian Affairs	43	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management
21	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance	44	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
22	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance	45	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
23	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
24	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		
25	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance		

- 46 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 47 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 48 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance
- 49 Committee on Human Services, then to the Committee on Judiciary
- 50 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management

we are proposing the creation of new costs to include supplemental infrastructure.

"Unions result in union dues, another unnecessary financial burden. I prefer my employees receive a higher salary without more taxes directed to union costs. I believe there are alternative ways to address the needs of employee-employer relations.

"For all of these reasons, I oppose HB 2103."

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

"I actually support this measure, Mr. Speaker. I was against card-check for businesses, but I think since we are going to put the businesses in Hawaii through tremendous pain of having card-check in Hawaii, I think that we should have the same standards for ourselves. The Legislature, after all, our staff works longer hours than any other employee in the State of Hawaii. They have no breaks especially if you work in the Finance Committee, and very little time off. So I think we should treat our employees with much respect. They definitely deserve to unionize against us. Thank you."

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

"Thank you, Mr. Speaker. Despite the Minority Floor Leader's comments, I will be voting no."

Representative Finnegan rose and asked that the Clerk record a no vote 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.B. No. 2103, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Ching, Finnegan, Marumoto, Thielen and Ward voting no, and with Representatives Belatti and Herkes being excused.

### COMMITTEE REASSIGNMENTS

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

#### H.B.

#### Nos. Re-referred to:

- 2530 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
- 2706 Committee on Consumer Protection & Commerce, then to the Committee on Finance

### STANDING COMMITTEE REPORTS

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 7-10) recommending that H.B. No. 2103, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2103, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I know it's unusual to speak on Second Reading, but this is an unusual bill. Thank you. This bill would effectively unionize the Legislature. I'm against the bill, Mr. Speaker. I speak in opposition. I would not like to see my office in rebellion against its leadership. I would not like to see this Body with its staff against this. And as a member of the Minority I would hate to see the tyranny of the Majority express itself again through unionization of our employees.

"So Mr. Speaker, I don't see what good can come of this. I think it leaves a lot to be desired, and I think it's probably the first exercise of the quote, "card-check bill" and we should do with this bill what we did with the previous one. Thank you."

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

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"In response to HB 2103, I submit these written comments:

"In these trying economic times, money is very tight. More than anything, I believe that we, as lawmakers, should 'look before we leap.' It is very simple: Unions create a middle man in the discussion between employee and employers. Unions are not free. By proposing another union,

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Belatti and Herkes were excused.)

### THIRD READING

#### **H.B. No. 2162, HD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Third Reading by a vote of 49 ayes, with Representatives Belatti and Herkes being excused.

At 12:35 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2162, HD 1

### ANNOUNCEMENTS

Representative Berg: "Thank you, Mr. Speaker. I would like to announce that today is Aloha Friday and that we remember that as we leave here today, everyone who is participating in the Chamber and also in the Gallery, remember the words that our good Representative from Puna

just sang. There are three important things in the world: faith, hope and love. *Mekealoha kealoha ka i 'oi a'e*. Of these, love is foremost.

"If you noticed in the Rotunda earlier, there were children there representing the parents who are protesting the furloughs. If I can ask all of us just to remember as we leave that we are the State of Aloha and that there is an Aloha Spirit Law that requires us to be respectful and loving of one another. I appreciate that. Thank you."

#### ADJOURNMENT

At 12:37 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, Monday, February 1, 2010. (Representatives Belatti, Herkes and Sagum were excused.)