

FIFTY-SEVENTH DAY

Monday, April 26, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:33 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Lanson Ho'opai, legislative aide for Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Brower, Cabanilla, Carroll and M. Lee, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 267 through 270) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 267, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2770, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY." (ACT 051)

Gov. Msg. No. 268, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY." (ACT 052)

Gov. Msg. No. 269, informing the House that on April 23, 2010, the following bill was signed into law:

H.B. No. 2197, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 053)

Gov. Msg. No. 270, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2898, SD 1, HD 1, entitled: "A BILL FOR AN AT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES." (ACT 054)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 631 through 642) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 631, dated April 23, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Concurrent Resolutions:

H.C.R. No. 296, Fukunaga, Chair; Baker, Slom
SD 1

H.C.R. No. 297, Fukunaga, Chair; Ige, Slom
SD 1

Sen. Com. No. 632, dated April 23, 2010, informing the House that the Senate has on April 22, 2010, agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions and that said resolutions were this day adopted by the Senate:

S.C.R. No. 183, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."

S.C.R. No. 202, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006."

Sen. Com. No. 633, transmitting H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 634, transmitting H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 635, transmitting H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 636, transmitting H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 637, transmitting H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 638, transmitting H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 639, transmitting H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR

NATURAL DISASTER ON THE LEEWARD COAST," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 640, transmitting H.C.R. No. 235, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECA-BROMODIPHENYL ETHER IN THE UNITED STATES," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 641, transmitting H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 642, transmitting H.C.R. No. 289, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," which was adopted by the Senate on April 23, 2010.

INTRODUCTIONS

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

Representatives Ward, Ching and Cabanilla introduced Director General Philip Wang, of the Taipei Economic and Cultural Office in Honolulu who is being reassigned to Taiwan, and thanked him for his service while in Hawaii. He was accompanied by Mr. Oliver Weng, also of the Taipei Economic and Cultural Office.

Representatives Mizuno and Finnegan introduced Pastor Peter Kamakawiwoole of the Calvary Church of the Pacific.

Representative Ching introduced 5th grade students from Ma'ema'e Elementary School; their teachers, Mrs. Lisa Kumashiro, Mrs. Tess Yasui, Mrs. Donna Nakamura and Mr. Cody Okimoto; and parents, Mrs. Emily Chun and Mr. Oliver Weng.

Representative Finnegan introduced the family of Lanson Ho'opai: his mom Mrs. Judie Ho'opai, and sister Ms. Larissa Ho'opai. They were accompanied by her staff, Mr. Aaron Johanson and Mrs. Carrie Kealoha; and daughter, Ms. Erin Kealoha.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.C.R.

| <u>No.</u> | <u>Re-referred to:</u> |
|-------------|--|
| 296, SD1 | Committee on Tourism, Culture, & International Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance |

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, Floor action on all items under Unfinished Business on pages 2 through 30 will be deferred until Tuesday to give you enough opportunity and ample time to digest the Conference drafts."

Conf. Com. Rep. No. 9-10 and H.B. No. 2077, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 10-10 and H.B. No. 2631, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 11-10 and H.B. No. 2533, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 12-10 and H.B. No. 1190, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 13-10 and H.B. No. 2020, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 14-10 and H.B. No. 1854, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 15-10 and H.B. No. 2676, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 16-10 and H.B. No. 2239, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 17-10 and H.B. No. 2266, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 18-10 and H.B. No. 1987, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 19-10 and H.B. No. 1684, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 20-10 and H.B. No. 2289, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 21-10 and H.B. No. 2283, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 22-10 and H.B. No. 1863, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 23-10 and H.B. No. 1992, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 24-10 and H.B. No. 2595, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 25-10 and H.B. No. 1818, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 26-10 and H.B. No. 2288, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 142-10 and H.B. No. 2845, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 143-10 and H.B. No. 2441, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 144-10 and H.B. No. 2133, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 145-10 and H.B. No. 1808, HD 3, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 146-10 and H.B. No. 347, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 147-10 and H.B. No. 2486, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 148-10 and H.B. No. 2542, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 149-10 and H.B. No. 2318, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 150-10 and H.B. No. 2000, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 151-10 and H.B. No. 2200, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 152-10 and H.B. No. 2698, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 153-10 and S.B. No. 2849, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 840, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2003, HD 3, SD 2:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2083, HD 1, SD 2:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2721, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Stand. Com. Rep. No. 1382-10 and H.R. No. 47, HD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Reports of Conference Committees. Members as you know, the Senate President and I waived the Friday midnight deadline for the filing of Committee reports and Conference drafts for certain measures which were agreed upon in public on Friday evening. I wanted to take this opportunity to explain the procedural reasons why these reports and proposed drafts were not filed on Friday night and the reasons why the President and I waived the deadlines.

"Back in January of this year the Senate President and I prepared an internal Legislative timetable, setting April 23rd, 2010 as the last day to file fiscal bills for Constitutional decking purposes prior to Final Reading. On March 30th of this year the President and I signed Conference Committee guidelines that provided in paragraph 11(c) that all Conference Committee reports for fiscal bills should be filed by 11:30 p.m. on Friday, April 23rd.

"However, some measures were being negotiated up to the last few minutes before midnight on Friday night. These Conference Committees, even though they had reached agreement on the substance of their measures, did not have the time to prepare and adequately review the Conference reports and final form of the Conference drafts prior to the filing deadline.

"Therefore, the President and I exercised our powers under Rule 13 of the Conference Committee Guidelines for an exception to this deadline for these measures which were agreed upon in public. If need be, we allowed these measures to be filed with the respective Clerk's offices between 12:00 noon and 1:00 p.m. on Saturday, April 24th.

"The President and I felt that since the Conferees had reached a timely agreement on these bills, allowing these measures to die based on an internal procedure deadline for filing the requisite paperwork with the Clerk's office in each Chamber was not in the best interest of the people of Hawaii. Rather we felt it important to exercise the discretion that the guidelines gave us to waive that deadline and ensure that important initiatives would reach the Floor of both Chambers for Final Reading as the Conference Committees intended.

"I wish to emphasize that previous Legislatures, when facing similar situations in the past, have followed the same procedure we will be following with these measures. So please note that the Conference Committee Reports Nos. 154-10 to 159-10 as listed on pages 30 and 31 will receive the required 48-hour notice of final form as required by our Constitution and will therefore be before this Chamber for Final Reading on Wednesday, April 28th. This is for the record for the House Journal. So those measures on pages 30 and 31, 48-hour notice."

Representatives Carroll, Ito and 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. 1015, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 154-10) recommending that H.B. No. 1015, HD 1, SD 2, 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. 154-10 and H.B. No. 1015, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TRUST FUND," was deferred for a period of 48 hours.

Representatives Takumi, Karamatsu and 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. 2377, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 155-10) recommending that H.B. No. 2377, HD 3, SD 2, 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. 155-10 and H.B. No.

2377, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2589, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 156-10) recommending that S.B. No. 2589, SD 2, HD 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. 156-10 and S.B. No. 2589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Representatives Takumi, Rhoads, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2124, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 157-10) recommending that S.B. No. 2124, SD 2, HD 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. 157-10 and S.B. No. 2124, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2469, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 158-10) recommending that S.B. No. 2469, SD 2, HD 2, 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. 158-10 and S.B. No. 2469, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and 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. 2774, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 159-10) recommending that H.B. No. 2774, HD 2, SD 2, 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. 159-10 and H.B. No. 2774, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

FINAL READING

At this time, the Chair stated:

"These measures also, House Bill 2129, House Draft 1, Senate Draft 1, and House Bill 2708, House Draft 1, Senate Draft 1, deferred also to tomorrow, Tuesday, to give Members time to evaluate and analyze these measures."

H.B. No. 2129, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2708, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

SUSPENSION OF RULES

On motion by 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 Brower and Carroll 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. 2152, HD 1, (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 Brower and Carroll were excused.)

ADJOURNMENT

At 9:51 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 9:00 o'clock a.m. tomorrow, Tuesday, April 27, 2010. (Representatives Brower and Carroll were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 26, 2010, 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 made the following changes to the conferees on the following measure:

H.C.R. No. 296, Added Representative Manahan as Co-Chair.
SD 1

House Communication dated April 26, 2010, 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 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2152, HD 1, SD 1