

TENTH DAY

Thursday, February 1, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:02 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Lieutenant Governor James R. "Duke" Aiona, Jr., after which the Roll was called showing all members present with the exception of Representatives Souki and Takamine, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Days were approved. (Representatives Souki and Takamine were excused.)

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 44) was received by the Clerk and was placed on file:

Dept. Com. No. 44, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Sunrise Analysis: Mixed Martial Arts.

INTRODUCTIONS

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

Representative Berg, on behalf of Representative Takumi and herself, introduced members of the 2006 Secondary Student Conference Planning Committee and the Hawaii State Student Council.

Lindsey Nakashima of Kalaheo High School, Secondary Student Conference Planning Committee Chairperson;

Gabe Ganibe of Mililani High School, Hawaii State Student Council Chairperson; and

Darren Ibara of Roosevelt High School, Board of Education Student Member.

Advisors:

Susan Sato, Department of Education State Advisor;

Regina Yoshimori, Windward District;

Egan Kawamoto, Honolulu District;

Sean Ibara, Kauai District;

Clifford Fukuda, Central District;

Susan Marciel, Leeward District;

Janice Uemori, Leeward District;

Netlie Yokoyama, Hawaii District;

Glenda Joyo, Maui District; and

Robert Witt, Hawaii Association of Independent Schools.

Representative Takai then rose and asked that the names of all members of the Student Conference and State Student Council be recorded in the Journal, and the Chair, "so ordered."

2006 Secondary Student Conference Planning Committee:

Lindsey Nakashima, Student Chairperson, Windward District;

Lori Arakaki, Student Vice Chairperson, Hawaii Association of Independent Schools;

Aarathi Pamley, Windward District;

Nakisha Taluwela-Lewis, Central District;

Angelie Angeles, Leeward District;

Ashley Napoleon-Kawelo, Leeward District;

Natasha Miyashiro, Honolulu District;

Angela Fujii, Hawaii District;

Kristen Uchima, Hawaii District;

Jennifer Bonilla, Maui District;

Aileen Ferrer, Maui District;

Marisa Agena, Kauai District;

George Bogden, Hawaii Association of Independent Schools;

2006-2007 Hawaii State Student Council

Gabe Ganibe Chairperson

Beatrice Morlan, Vice Chairperson, Windward District;

Marielle Crisolo, Central District;

Tony Fujii, Honolulu District;

Jasmine Enos, Leeward District;

Jessica Young, Leeward District;

Sara-Ashley Tellio, Windward District;

Darren Ibara, BOE Student Member;

Representative Ching introduced Ms. Susan Minami, former principal at Maemae Elementary School who was also with the group of student leaders.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B.Nos.Re-referred to:

485 Jointly to the Committee on Human Services & Housing and the Committee on Health, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance

1498 Committee on Energy & Environmental Protection

1797 Committee on Health, then to the Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1943 Committee on Finance

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

H.R.No.Re-referred to:

13 Jointly to the Committee on Human Services & Housing and the Committee on Health

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 19) was announced by the Clerk and the following action taken:

H.R. No. 19, entitled: "HOUSE RESOLUTION RECOGNIZING ADMIRAL WILLIAM J. AND MARY FALLON FOR THEIR OUTSTANDING DEDICATION, COMMITMENT, AND SERVICE TO HAWAII'S MILITARY COMMUNITY AND TO THE PEOPLE OF HAWAII," was jointly offered by Representatives Caldwell, Evans and Takai.

Representative Caldwell, moved that H.R. No. 19 be adopted, seconded by Representative Takai.

Representative Caldwell introduced the honorees, Admiral William J. Fallon and Mrs. Mary Fallon, who were seated on the floor of the House.

Representative Takai and Representative Ward further recognized Admiral Fallon and Mrs. Fallon for their dedication, commitment and service to Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 19 was adopted with Representative Souki being excused.

At this time, the Chair invited Admiral Fallon to approach the rostrum and address the Members of the House of Representatives.

Admiral Fallon then gave the following remarks:

"Mr. Speaker, distinguished Members of the Legislature, it's a great honor, especially for Mary and I, to be in your midst and to be so honored and recognized as you have done today. We have certainly mixed emotions. All is happening too quickly.

"We have to share with you a couple of thoughts. First, is that in the two years we have had the pleasure of being in your midst, we found the unique experience of being received here to be unlike anything we have found in the world. And this is not to try to 'blow smoke', as they say in our business. In fact, I think that one of the reasons I may have been asked to assume this new responsibility is because I try to do very little of that. And, so, it has been special.

"And we realize that the warmth and genuine spirit of aloha with which we have been received are not unique to the Fallons, but to many, many of our service personnel who have come to live here or to be based here. Thank you for that. It truly makes a difference.

"And I will tell you that, as we prepare to embark on this new challenge, I am aware certainly of the importance, and I am acutely aware of the magnitude of the task.

"I was recently in Iraq visiting our forces, many of whom are based here in Hawaii. And just on Monday, Mary and I were privileged to attend an opening of a very special institution down in Texas at the Brook Army Hospital. And it's called the Center for the Intrepid. I think it would be of value for me to share with you a couple of thoughts about this because it represents so much about our country.

"It's a new facility, a medical facility that was constructed solely with donations from individuals in this country. It's state-of-the-art, world class. They tell me there is nothing like it in the world. And the sole purpose is to try to heal the bodies of the service personnel that have been wounded in defense of our country in distant places.

"The idea that Americans would do this and feel so strongly that it was something they ought to do, besides from the government, speaks volumes.

"The sacrifice of the men and women we saw on Monday, who are going to be able to benefit from this facility, also would bring tears to your eyes because many of these people have given much of themselves on our behalf. And their spirit is incredibly strong. Their will to live and to do good in the world is undiminished by the tortuous experiences of their recent past. I was amazed at their resilience and their example.

"And so it gives me the courage to step to this responsibility that awaits us. And we'll do the best job we can. And I would also encourage you as leaders in this State to continue to demonstrate to people in Hawaii and in the world what it is to be a part of, live in, support and sustain a democratic process in which people have choices and get to say what they think and to debate openly issues and to make progress.

"I also believe that the example here in Hawaii of many peoples of many cultures, ethnic, religious, and political backgrounds coming together to live in harmony is something that we'd love to have exported to some of these places that we'll probably get to see very soon. And so I encourage you to continue by your good example so that all can see and benefit from it.

"As we take our leave, we thank you again for the warm aloha that you have showed to us and to all the military families here in this beautiful State. We don't know when, but we eagerly look forward to a quick return and spend a lot more than a couple of days back in your midst.

"We don't know where the 'anchor will finally drop', but there's a pretty strong tug very close to the place where I'm standing right now. We look forward to it. Thank you for your kindness and your hospitality, and your support and your service."

The Chair then stated:

"Admiral Fallon, on behalf of the House of Representatives, we wish to thank you for the service you have given this nation, and for the stewardship and leadership you have provided as the Commander of forces in the Pacific.

"Mrs. Fallon, we are also indebted to you for your efforts to maintain an open and strong relationship between our military, government, and our local community.

"To the both of you, you will be missed by those of us in Hawaii who have had the opportunity to make your acquaintance and understand the good work you have done here.

"However, please know that we wish you the best of luck as you embark on your new assignment, and we know you will do us proud. Thank you, very much."

At 12:31 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 14) recommending that H.B. No. 13, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 13, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Saiki, Souki and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 15) recommending that H.B. No. 17, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 17, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Saiki, Souki and Takai being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 16) recommending that H.B. No. 592, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 592, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ASSISTANTS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Saiki, Souki and Takai being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 17) recommending that H.B. No. 20, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Saiki, Souki and Takai being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 18) recommending that H.B. No. 23, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 23, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Saiki, Souki and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 19) recommending that H.B. No. 469, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 469, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Luke, Saiki, Souki and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 20) recommending that H.B. No. 150, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives Luke, Saiki, Souki and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 21) recommending that H.B. No. 534, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on

Transportation with Representatives Luke, Saiki, Souki and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 22) recommending that H.B. No. 212, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 212, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of the measure with reservations, stating:

"I stand with reservations on this measure, this report. Standing Report No. 22 is A Bill for an Act Relating to Health Care and what this is about is the State Health Planning and Development Agency to maintain a statewide comprehensive healthcare workforce map and database.

"The reason I'm standing is this has been brought before the Legislature before, and in the Finance Committee, when asking the hard questions, what you realize is that this particular agency within the Department of Health is making decisions constantly on healthcare facilities, and what I'm specifically referring to is the Certificate of Need. It is very surprising that they are asking us to fund them when in reality, they should have this information to make the decisions they make on a regular basis. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Luke, Saiki, Souki and Takai being excused.

ANNOUNCEMENTS

Representative Carroll: "Thank you, Mr. Speaker. The Committee on Energy and Environmental Protection will reconvene their hearing immediately after session in Room 312."

Representative Caldwell: "Mr. Speaker, I have a very important announcement to make. This affects this entire body.

"Fifty five years ago today, Mr. Speaker, a baby boy was born and returned to his home valley of Palolo, where he grew up and learned the ways of his community. That person is our Speaker, Calvin Say, who, you can tell by his golden locks, remains young, handsome and strong. We would like to sing 'Happy Birthday' to you, Mr. Speaker, if that's okay. And the Representative from Kapolei would like to present a *lei* to you. So, Members, would you join me in singing 'Happy Birthday'?"

Speaker Say: "How about after we adjourn, so it's not part of the record?"

Representative Caldwell: "Okay, Mr. Speaker. We'll keep it off the record. I would like to announce and invite all Members, both Minority and Majority, to join us over in the Majority lobby area for the singing of 'Happy Birthday' to the Speaker and having cake and ice cream. Thank you very much."

Speaker Say: "Thank you. There is one other announcement I would like to make. For all of you, please read pages from A to N, which are the public hearing notices. And I think there was a request from Chair Morita."

ADJOURNMENT

At 12:46 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 2, 2007. (Representatives Luke, Saiki, Souki and Takai were excused.)