

THIRTY-SECOND DAY

Thursday, March 15, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ryan I. Yamane, after which the Roll was called showing all members present with the exception of Representatives Herkes, M. Oshiro, Takamine and Thielen, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fourth Day was approved. (Representatives Herkes, M. Oshiro, Takamine and Thielen were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 292 and 293) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 292, dated March 9, 2007, informing that the letters sent transmitting the Department of Human Services' reports to the Legislature for Act 160, Section 8. (12), Section 156.8, SLH 2006, and for House Concurrent Resolution 8/Senate Concurrent Resolution 2, Senate Draft 1, incorrectly described the reports.

Gov. Msg. No. 293, dated March 9, 2007, transmitting the 2006 Annual Reports of the State of Hawaii Overseas Offices prepared by the Department of Business, Economic Development, & Tourism.

INTRODUCTIONS

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

Representative Takai introduced the interns participating in the 8th annual Arc in Hawaii Legislative Internship Program:

- Jace Flores interning with Representative Awana;
- Carol Edwards interning with Representative Berg;
- Cheyenne Felix interning with Representative Carroll;
- Beverly Costales interning with Representative Cabanilla;
- Norma Robaino interning with Representative Ching;
- Carl Proffitt interning with Representative Lee;
- Peter Tengan interning with Representative Mizuno;
- Jacqueline Sofear interning with Representative Wakai;
- John Okihiro interning with Senator Baker;
- Jani Wong interning with Senator Chun Oakland;
- Robbilyn Chai interning with Representative Hemmings; and
- Cheryl Derby interning with Representative Takai;

Representative Magaoay introduced the students of the We the People team of Kahuku High School: Ella Aiwohi, Jason Alghussein, Jerica Elu, Ariana Forgeron, Alise Hontanosas, Carlyn Hubner, Jeremy Keys, Ana Reidy, Alexandra Roberts, Nicholas Sirlin, Samantha Thee, Nicholas Trisolini, Zachary Williams, Tirzah Yadao, and their teacher, Ms. Kori Shlachter:

Representative Berg also acknowledged the Kahuku High School We the People team.

Representative McKelvey introduced former Representative Michael White, General Manager of the Kaanapali Beach Hotel.

Representative Caldwell introduced Ms. Leimamo Lind, Executive Director of Hotel and Lodging with the Kaanapali Beach Hotel.

Representative Manahan introduced students of Kalihi Waena Elementary School participating in the Day at the Capitol program, and their chaperones, Mr. Michael Kawamoto, Ms. Judy Chong Nakamura, Ms. Rowena Lat and Ms. Liane Jucutan.

Representative Mizuno introduced students of Kalihi Uka Elementary School participating in the Day at the Capitol program, and their chaperones, Mr. Keith Sakanashi, Ms. Darlene Nakoia, Ms. Lorna Tamayo and Mr. Dean Miyata.

Representative Carroll introduced her cousins, Ms. Susie Kaopuiki, Ms. Jessica Niihau, Ms. Alena Kaopuiki, and Baby Kealia Arzadon from Kailua.

Representative Waters introduced his friends, Mr. Clay and Mrs. Robin Springer of Waimanalo, parents of Ms. Jill Springer of the Kailua High School Robotics Team.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions and concurrent resolutions were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
88	Committee on Consumer Protection & Commerce
89	Committee on Consumer Protection & Commerce
90	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment
91	Committee on Public Safety & Military Affairs
92	Committee on Health, then to the Committee on Finance
93	Committee on Tourism & Culture

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
112	Committee on Consumer Protection & Commerce
113	Committee on Consumer Protection & Commerce
114	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment
115	Committee on Public Safety & Military Affairs
116	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
117	Committee on Health, then to the Committee on Finance
118	Committee on Tourism & Culture
119	Jointly to the Committee on Health and the Committee on Human Services & Housing, then to the Committee on Finance

S.C.R.**No. Referred to:**

31, Committee on Judiciary, then to the Committee on
SD1 Finance

COMMITTEE REASSIGNMENTS

The following resolution was re-referred by the Speaker:

H.R.**No. Re-referred to:**

36 FLOOR PRESENTATION 3/16/07
(INADVERTENTLY REFERRED TO THE
COMMITTEE ON HUMAN SERVICES & HOUSING)

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

S.B.**Nos. Re-referred to:**

1412, Committee on Judiciary, then to the Committee on
SD2 Finance

1926, Committee on Labor & Public Employment, then to the
SD1 Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 278) was announced by the Clerk and the following action taken:

H.R. No. 278, entitled: "HOUSE RESOLUTION RECOGNIZING THE CONTRIBUTION OF NA KAPA PULE O' EWA TO THE LEEWARD COMMUNITY AND ITS IMPACT ON THE STATE OF HAWAII," was jointly offered by Representatives Pine, Cabanilla, Ching, Meyer, Magaoay and Mizuno.

Representative Pine moved that H.R. No. 278 be adopted, seconded by Representative Cabanilla.

Representative Pine introduced and recognized the following members of Na Kapa Pule O' Ewa who were seated on the floor of the House:

Pastor Dave Wilson, Hope Chapel West Side;
Father Scott Bush, Our Lady of Perpetual Help;
Pastor Greg Burgess, Re flame Ministries; and
Pastor Jerry Kraesig, Anuenue Christian Church.

Representative Cabanilla then thanked Na Kapa Pule O' Ewa for their contributions to the community.

The motion was put to vote by the Chair and carried, and H.R. No. 278 was adopted with Representatives Herkes, Nakasone, M. Oshiro, Takamine and Thielen being excused.

The following resolution (H.R. No. 279) was announced by the Clerk and the following action taken:

H.R. No. 279, entitled: "HOUSE RESOLUTION CONGRATULATING THE KAILUA HIGH SCHOOL SURFRIDER ROBOTICS TEAM FOR ITS PARTICIPATION IN THE 2006 FIFTH ANNUAL INTERNATIONAL STUDENT REMOTELY OPERATED VEHICLE (ROV) COMPETITION AND FOR WINNING THE HAWAII STATE CHAMPIONSHIP IN THE 2006 HAWAII UNDERWATER ROBOTIC COMPETITION," was jointly offered by Representatives Chong, Ito and Waters.

Representative Chong moved that H.R. No. 279 be adopted, seconded by Representative Waters.

Representative Chong introduced and recognized the following members of the Kailua High School Surfrider Robotics Team who were seated on the floor of the House:

Mr. Dalfred Edward Kaipo, Jr., Captain;
Mr. Trevor Johnson, Co-Captain;
Mr. Jacob Pantastico, Co-Captain;
Mr. Nathan Franco;
Mr. Nicholas Poleshaj;
Mr. Kahue Kaopuiki;
Mr. Noah Park;
Ms. Shalyn Romano;
Mr. Sen-Katsu Takata;
Mr. Alexander Vallejo-Sanderson;
Mr. Godwin Pirga;
Ms. Jill Springer; and
Mr. David Izumi, teacher.

Representative Chong also recognized team members, Mr. Keoni Hall and Mr. Jon Trueman, who were not present; and recognized family and friends of the honorees who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 279 was adopted with Representatives Herkes, Nakasone, M. Oshiro, Takamine and Thielen being excused.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1222) recommending that S.B. No. 600, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 600, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Takamine and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1223) recommending that S.B. No. 58, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 58, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Takamine and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1224) recommending that S.B. No. 1253, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 1253, HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

Representative Green rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to recuse myself from voting on S.B. 1253, SCR 1224. I'm an ER doctor that works in HHSC Hospital and they contract with me."

The Chair ruled, stating:

"At this point there is no conflict because you are a part of a class of doctors serving the Corporation."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I similarly ask for a ruling on a potential conflict at my law firm. I do represent HHSC and I advise them on procurement matters," and the Chair ruled, "no conflict."

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

"On Stand. Com. Rep. No. 1224, with strong reservations."

Representative Awana rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I am in support with reservations. Although I believe that products and services are needed to adequately provide the best care to patients, I question the logic that states bypassing procurement procedures will necessarily accomplish this task. Those under the Hawaii Health System Corporation should continue to be held accountable as do other State agencies. It may take extra planning and forecasting to obtain the desired results, but if other agencies need to, so should they.

"There is a reason for procurement. Procurement keeps the market competitive. In addition, non-bid contracts are frowned upon, causes suspicion, and creates an air of deception by the general public. Mr. Speaker, passing such legislation, I believe, may cast a dark cloud on this legislative body. Thank you, Mr. Speaker."

Representative Finnegan 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 S.B. No. 1253, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION CONTRACTS," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Herkes, Takamine and Thielen being excused.

ANNOUNCEMENTS

Representative Belatti: "Mr. Speaker, I'd like to just recognize the Representative from Aina Haina and wish her a happy birthday."

Representative Berg: "Thank you, Mr. Speaker, and thank you, Representative from Makiki. We were commenting on how many of us are Pisces in this Chamber. I have to share that after two years and 30-something days of being here, there's no other place I'd rather be on my birthday. Thank you."

Representative Carroll: "Thank you, Mr. Speaker. Your Legislative Hawaiian Caucus Committee will be having a meeting today at 4:00 p.m. in Room 423. Thank you."

Speaker Say: "The Chair has just two announcements. If you look on the Order of the Day, pages A to Q, those are your Public Hearing Notices of your respective Committees, for today and tomorrow.

"Also, tomorrow, Members of the House, we will be having once more, two floor presentations. Let's be on time at 12:00 so that we can get through with the business and get back to the hearings that the Committees are having."

ADJOURNMENT

At 12:50 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, March 16, 2007. (Representatives Herkes, Nishimoto, Takamine and Thielen were excused.)