

THIRTY-SIXTH DAY

Wednesday, March 21, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Pieper Toyama of Pacific Buddhist Academy, after which the Roll was called showing all members present with the exception of Representatives Herkes, Morita, M. Oshiro, Takai and Thielen, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 295 through 299) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 295, dated March 9, 2007, transmitting the Department of Public Safety report: Expenditures on Substance Abuse, Sex Offender, and Mental Health Treatment; and Job Development for Pretrial, Incarcerated, and Parolee Populations.

Gov. Msg. No. 296, dated March 13, 2007, transmitting the report pursuant to Act 100, 1999, requiring all departments and agencies to identify their goals and objectives.

Gov. Msg. No. 297, dated March 9, 2007, transmitting the Department of Public Safety report: Gender Responsive Community Based Programs for Women.

Gov. Msg. No. 298, dated March 20, 2007, transmitting the Department of Land and Natural Resources' report relating to the Division of Conservation and Resources Enforcement's monthly enforcement activities for February 2007.

Gov. Msg. No. 299, dated March 16, 2007, transmitting the Department of Human Services' Report for the 2nd quarter of FY 06-07 relating to Vacancies.

INTRODUCTIONS

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

Representative Takamine introduced Big Island students from Kalamianaole School and their advisor, Ms. Mari Nakamura; Honokaa Intermediate and High School and their advisor, Ms. Angella Brandt; Paauilo School and their advisor, Mr. Dean Alip; and Laupahoe School and their advisor, Ms. Greta Pung.

Representative Takamine also introduced students from the Pacific Buddhist Academy, Mr. Kai Hamasaki and Mr. Sean Asai; and their teacher, Mr. Flynn Corson.

Representative Shimabukuro introduced members of the Adult Friends for Youth Program, and program founder, Mr. Sid Rosen.

Representative Shimabukuro also introduced friends with the American Cancer Society, Ms. Flo Pell and Rev. Frank Chong.

Representative Finnegan introduced students from the Toyama National College of Maritime Technology in Japan: Yu Takahashi, Hayato Okubo, Satoshi Yabuta, Kazuya Mori and Sentaro Nakada; and their professor, Mr. Charlton Moananu, originally from Waianae.

Representative Waters introduced members the Waimanalo Hawaiian Homestead Association, Waimanalo Kupuna Housing, Waimanalo Hawaiian Civic Club, and Hui Malama O Ke Kai Afterschool Program; as well as Uncle Joe and Auntie Nikki Hines; Ms. Ku'ulei Laughlen and Mrs. Woodside.

Representative Berg introduced former Representative Jackie Young with the American Cancer Society.

Representative Tokioka, on behalf of Representatives Sagum, Morita and himself, introduced friends from Kauai with the American Cancer Society: Ms. Mary Williamson, Ms. Bernie Sakoda, and Ms. Janice Bond.

Representative Lee recognized family caregivers and advocates at the Capitol for Family Caregiver Day, and introduced Mr. Bruce McCullough from Kailua, Ms. Peggy Palakiko from Maui, Ms. Wendy Stevens from the Big Island, and Mr. Alan Parker, Hawaii County Executive on Aging.

Representatives Mizuno, Green and Belatti introduced and recognized the staff of the American Cancer Society, Ms. Barbara Wade Burton, Government Relations Specialist; and Ms. Lila Johnson with the National Board of Directors; and cancer survivor volunteers: Rev. Frank Chong, Ms. Tina Clothier, Mr. Chris Pablo and Ms. Jackie Young.

Representative Ching also recognized the American Cancer Society.

Representative Brower introduced his aunt, Ms. Jennifer Hausler, a volunteer with the American Cancer Society.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
84	Jointly to the Committee on Education and the Committee on Health
147	Jointly to the Committee on Human Services & Housing and the Committee on Education, then to the Committee on Finance
264	Jointly to the Committee on Human Services & Housing and the Committee on International Affairs, then to the Committee on Higher Education
<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
106	Jointly to the Committee on Education and the Committee on Health
133	Committee on Human Services & Housing
185	Jointly to the Committee on Human Services & Housing and the Committee on Health, then to the Committee on Finance

- 189 Jointly to the Committee on Human Services & Housing and the Committee on Education, then to the Committee on Finance
- 327 Jointly to the Committee on Human Services & Housing and the Committee on International Affairs, then to the Committee on Higher Education

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

S.B.
Nos.

Re-referred to:

- 810, Committee on Health, then to the Committee on Finance
SD2
- 1969, Committee on Public Safety & Military Affairs, then to
SD2 the Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 285) was announced by the Clerk and the following action taken:

H.R. No. 285, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE ARTISTS AND PRODUCERS WHO PARTICIPATED IN THE PRODUCTION OF LEGENDS OF HAWAIIAN SLACK KEY GUITAR-LIVE FROM MAUI, THE WINNER OF THE 49TH ANNUAL GRAMMY AWARD FOR BEST HAWAIIAN MUSIC ALBUM OF THE YEAR," was offered by Representative Carroll.

Representative Carroll moved that H.R. No. 285 be adopted, seconded by Representative Hanohano.

Representative Carroll introduced and honored the producers of the Masters of Hawaiian Slack Key Guitar Concert Series:

Mr. Paul Konwiser who was seated on the floor of the House; and Mr. George Kahumoku, Jr. and Mr Wayne Wong who were not in attendance.

Representatives Carroll and Hanohano then introduced the following musicians who performed on the Grammy Award winning *Legends of Hawaiian Slack Key Guitar – Live from Maui*, who were seated on the floor of the House:

Uncle Richard Ho'opi'i, Mr. Bobby Ingano, Mr. Cyril Pahinui, and Mr. Dennis Kamakahi.

Representatives Carroll and Hanohano also recognized other *Live from Maui* musicians who were not in attendance:

Mr. Ozzie Kotani, 'Da Ukulele Boys' Mr. Peter DeAquino and Mr. Garret Probst, Mr. Martin Pahinui, Mr. Keoki Kahumoku, and Mr. Daniel Ho.

Representative Carroll also introduced friends and family seated in the gallery:

Aunty Ululani Ho'opi'i, Aunty Robin Kamakahi, Mrs. Cecilia Konwiser, and Mr. David Konwiser.

The motion was put to vote by the Chair and carried, and H.R. No. 285 was adopted with Representatives Herkes, Morita, Nakasone, Takai and Thielen being excused.

The following resolution (H.R. No. 286) was announced by the Clerk and the following action taken:

H.R. No. 286, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING EDDIE PU FOR HIS DEDICATION TO PERPETUATING HAWAIIAN CULTURE AND TRADITIONS," was offered by Representative Bertram.

Representative Bertram moved that H.R. No. 286 be adopted, seconded by Representative Carroll.

Representative Bertram introduced the honoree, Uncle Eddie Pu and his wife, Mrs. Beverly Pu.

Representative Carroll further recognized Mr. Eddie Pu for his cultural contributions in Hana, Maui.

The motion was put to vote by the Chair and carried, and H.R. No. 286 was adopted with Representatives Herkes, Morita, Nakasone, Takai and Thielen being excused.

At 12:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

At this time, the Chair announced:

"Members of the House, we have seven pages of Second Reading and one Third Reading measure. It's 3 minutes to 1:00 o'clock and I think there are three different functions that are going on this afternoon. The Caregiver's function, the American Cancer Society function, and the Hawaiian Heritage Caucus function. So let's move on as quickly as possible so we may finish."

STANDING COMMITTEE REPORTS

Representatives Chang and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1323) recommending that S.B. No. 688, SD 2, 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 S.B. No. 688, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai 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. 1324) recommending that S.B. No. 95, SD 1, 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 S.B. No. 95, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VACANT POSITIONS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representatives Takumi, Green and Sonson, for the Committee on Education and the Committee on Health and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1325) recommending that S.B. No. 98, SD 1, 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 S.B. No. 98, SD 1, entitled: "A BILL FOR AN

ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1326) recommending that S.B. No. 840, 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 S.B. No. 840, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1327) recommending that S.B. No. 870, SD 1, as amended in HD 1, 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 S.B. No. 870, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNATION OF A HAWAII ARCHAEOLOGICAL DATA SURVEY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1328) recommending that S.B. No. 1853, SD 2, as amended in HD 1, 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 S.B. No. 1853, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1329) recommending that S.B. No. 1991, SD 1, 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 S.B. No. 1991, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1330) recommending that S.B. No. 1937, SD 2, as amended in HD 1, 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 S.B. No. 1937, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1331) recommending that S.B. No. 1614, SD 1, 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 S.B. No. 1614, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1332) recommending that S.B. No. 1136, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1333) recommending that S.B. No. 1820, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the reports of the Committee be adopted, and that S.B. No. 1136, SD 2, HD 1, and S.B. No. 1820, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Could you just note my reservations on 1332 and 1333, and I'll save my comments for Third Reading."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and S.B. No. 1136, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused; and

S.B. No. 1820, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1334) recommending that S.B. No. 1802, 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 Committee was adopted and S.B. No. 1802, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1335) recommending that S.B. No. 50, SD 1, 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 S.B. No. 50, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIDS RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1336) recommending that S.B. No.

1728, SD 1, 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 S.B. No. 1728, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A TWO-YEAR HEPATITIS C DEMONSTRATION PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1337) recommending that S.B. No. 139, SD 1, as amended in HD 1, 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 S.B. No. 139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1338) recommending that S.B. No. 1629, SD 2, as amended in HD 1, 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 S.B. No. 1629, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST HAWAII HEALTH SYSTEMS CORPORATION OR ANY OF ITS REGIONAL SUBSIDIARY CORPORATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1339) recommending that S.B. No. 1674, SD 1, 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. 1674, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1340) recommending that S.B. No. 1803, SD 1, 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. 1803, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1341) recommending that S.B. No. 56, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 56, SD 1, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO JURY SERVICE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 1342), recommending that H.R. No. 34, 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.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH AN INTERIM TASK FORCE TO REVIEW THE STATE MAXIMUM ALLOWABLE COST PROGRAM'S REIMBURSEMENT POLICY AND ITS IMPACT ON SMALL, INDEPENDENT, COMMUNITY PHARMACIES," was referred to the Committee on Finance with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai were excused.)

THIRD READING

S.B. No. 921, SD 1, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.B. No. 921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATION RECORDS," passed Third Reading by a vote of 45 ayes, with Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai being excused.

At 1:02 o'clock p.m., the Chair noted that S.B. No. 921, SD 1, HD 1, passed Third Reading.

ANNOUNCEMENTS

Representative Chong: "Thank you, Mr. Speaker. I'd just like to make an announcement that your Committee on Water, Land, Ocean Resources & Hawaiian Affairs along with your Committees on Agriculture and Energy & Environmental Protection will have decision-making on all measures on its morning agendas in Room 312 following today's session."

Representative Carroll: "Thank you, Mr. Speaker. On behalf of the Legislative Hawaiian Caucus, we'd like to invite all of you to a Hawaiian lunch in Room 329. Attached to your program, we have your ticket there. We hope that you will join us. And also to come to the Fourth Floor to enjoy all of our displays and demonstrations and we will have the Legends performing this afternoon as well. Thank you."

Representative Evans for the Committee on Public Safety and Military Affairs requested a waiver of the 48-hour advanced notice requirement to hear S.B. No. 1696, Relating to Tuition Assistance, and HCR No. 283, tomorrow at 9:00 a.m.

Representative Evans: "S.B. No. 1696 is broadening the scope of tuition assistance to Hawaii National Guard members attending the University of Hawaii and appropriates funds to the Department of Defense for that purpose. And the other one, HCR 283 was inadvertently omitted. We have on our agenda tomorrow the

companion House Resolution, but we did not list the House Concurrent Resolution and they should have done that jointly," and the Chair, "so ordered."

Representative Shimabukuro: "Thank you. I wanted to invite all the Members to the Family Caregivers Day lunch which has been moved to Room 408 after session, and also the American Cancer Society is also having a lunch in Room 325. Thank you."

Representative Takumi for the Committee on Education and the Committee on Energy and Environmental Protection requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making only on S.B. No. 871, SD 2, Relating to Food Waste Recycling, and the Chair "so ordered."

Representative Takumi: "The reason for the request for the waiver, Mr. Speaker, is that we did have a full hearing on this. We deferred decision-making, but we would like to make a decision on this measure today. For the members of both Committees, it would be at 1:25 p.m. in Conference Room 309. After you eat your three lunches please make your way up there."

ADJOURNMENT

At 1:05 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, Thursday, March 22, 2007. (Representatives Herkes, Morita, Takai, Takamine, Thielen and Wakai were excused.)