

FIFTY-FIFTH DAY

Tuesday, April 24, 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 Vice Speaker Jon Riki Karamatsu, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, M. Oshiro and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 352 through 355) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 352, informing the House that on April 23, 2007, the following bill was signed into law:

S.B. No. 1459, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES." (ACT 032)

Gov. Msg. No. 353, informing the House that on April 23, 2007, the following bill was signed into law:

S.B. No. 1444, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURPOSE OF THE HAWAII YOUTH CORRECTIONAL FACILITY." (ACT 033)

Gov. Msg. No. 354, informing the House that on April 23, 2007, the following bill was signed into law:

S.B. No. 1092, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 034)

Gov. Msg. No. 355, informing the House that on April 23, 2007, the following bill was signed into law:

H.B. No. 528, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS." (ACT 035)

The following message from the Governor (Gov. Msg. No. 356) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 356, transmitting S.B. No. 1956, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 23, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1956

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1956, entitled "A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote."

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner regardless of the popular vote winner in each member state.

Under this bill, Hawaii's four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidates won the popular vote in Hawaii. Given the potential under the interstate compact that Hawaii's electoral votes would be awarded in a manner that may not reflect the will of the majority of the voters in Hawaii, I believe that this bill is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 1956 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 841 and 850) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 841, dated April 23, 2007, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:

H.B. No. 895, Senator Tsutsui added as conferee.
HD 2, SD 1

Sen. Com. No. 842, transmitting H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING APRIL 30 OF EVERY YEAR AS HAWAIIAN RESTORATION DAY," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 843, transmitting H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROCLAIM THE LAST WEEK IN JULY OF EACH YEAR AS CONSERVATION WEEK," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 844, transmitting H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT H.R. 1287 AND S. 671 RELATING TO FILIPINO FAMILY REUNIFICATION, OR SIMILAR LEGISLATION, TO PROVIDE PRIORITY ISSUANCE OF VISAS TO FILIPINO VETERANS' CHILDREN WITH APPROVED IMMIGRATION PETITIONS," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 845, transmitting H.C.R. No. 231, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT FEDERAL LEGISLATION TO ADDRESS CONCERNS REGARDING THE INSPECTION OF PLANTS AND PRODUCTS FROM FOREIGN COUNTRIES TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 846, transmitting H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE NOMINATION AND DESIGNATION OF THE NORTHWESTERN HAWAIIAN ISLANDS MARINE

NATIONAL MONUMENT, PAPA HANAUMOKUAKEA, AS A WORLD HERITAGE SITE," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 847, transmitting H.C.R. No. 58, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO PROHIBIT DUMPING OF VESSEL SEWAGE IN FEDERAL WATERS IN THE VICINITY OF THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 848, transmitting H.C.R. No. 129, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR PACIFIC ISLAND STUDIES AT THE UNIVERSITY OF HAWAII AT MANOA TO ESTABLISH A TASK FORCE TO IDENTIFY AND ADDRESS THE NEEDS OF PACIFIC ISLANDERS IN HAWAII," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 849, transmitting H.C.R. No. 170, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A TASK FORCE TO DEVELOP LONG-TERM SOLUTIONS TO EFFECTIVELY PROTECT THE LIVESTOCK INDUSTRY IN HAWAII," which was adopted by the Senate on April 23, 2007.

Sen. Com. No. 850, transmitting H.C.R. No. 292, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE NUUANU-LILIHA CORRIDOR AS THE NUUANU-LILIHA HISTORIC CORRIDOR," which was adopted by the Senate on April 23, 2007.

INTRODUCTIONS

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

Representative Magaoay introduced the adult students of the Even Start Family Program at Wheeler Elementary School, and their teachers, Ms. Joy Matsukawa and Ms. Leslie Shimokawa.

Representative Ward introduced his constituent and member of the Hawaii Bar, Ms. Adrienne King.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 2122) recommending that S.C.R. No. 193, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 193, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong opposition. While I support my friends in agriculture, we must take heed of the call for sustainability. Livestock, historically, was responsible for the destruction of our native forest, and they continue to use more land and water than is sustainable. Methane released from cows is a major cause of greenhouse gas and meat consumption is a major cause of disease and obesity. For those reasons we really need to rethink our agricultural policies and really see how we can actually disincentivise livestock raising and move towards the real food that we need that's sustainable. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support of S.C.R. 193, S.D. 1. Actually, on the Big Island, Parker Ranch, they've been raising cattle for many, many years. It's not known by many people, but during the Second World War, Hawaii cowboys were responsible for many, many, many pounds of beef going to the mainland. They helped to feed Americans when many things were being rationed. We were doing our part and I think that we should try to help and see that our cattlemen and farmers can compete and stay in business. Thank you, Mr. Speaker."

Representative Takai rose, stating:

"Thank you, Mr. Speaker. A point of parliamentary inquiry. Thank you. I believe that the Second Crossover for Concurrent Resolutions was yesterday."

The Chair responded, stating:

"Representative Takai, I believe you are out of order. This particular Senate Concurrent Resolution was not amended. It is a Senate Draft which is in its original form."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 193, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO LEGISLATE A REDUCTION IN FEDERALLY REGULATED FEES OR AN EXEMPTION FROM FEDERAL STATUTES FOR TRANSPORTATION COSTS FOR LIVESTOCK FEED TO HAWAII," was adopted, with Representative Bertram voting no, and with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representatives Tsuji and Magaoay, for the Committee on Agriculture and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 2123) recommending that S.C.R. No. 176, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 176, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF AGRICULTURE'S OPERATION OF THE MOLOKAI IRRIGATION SYSTEM," was adopted, with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 2124) recommending that S.C.R. No. 31, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005," was adopted, with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 2125) recommending that S.C.R. No. 175, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 175, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM

COMPENSATION FEES," was adopted, with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 2126) recommending that S.C.R. No. 53, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 53, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE USE OF COMPACT FLUORESCENT LIGHT BULBS," was adopted, with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 2127) recommending that S.C.R. No. 164, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM CONDUCT A STUDY TO CREATE A ONE-STOP PERMIT SHOP FOR RENEWABLE ENERGY PROJECTS," was adopted, with Representatives Cabanilla, M. Oshiro and Takamine being excused.

Representatives Green and Takumi, for the Committee on Health and the Committee on Education presented a report (Stand. Com. Rep. No. 2128), recommending that S.C.R. No. 37, 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.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HEALTH TO COLLABORATE WITH THE ORGAN DONOR CENTER OF HAWAII TO INCREASE AWARENESS OF THE BENEFITS OF ORGAN DONATION IN THE STATE OF HAWAII," was referred to the Committee on Finance with Representatives Cabanilla, and M. Oshiro being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 2129), recommending that S.C.R. No. 118, SD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 118, SD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm casting a no vote on Standing Committee Report 2129. Mr. Speaker, what this measure does is it requests the United States Environmental Protection Agency and the State Department of Health to pursue a global settlement of the wastewater issues. What it also does, Mr. Speaker, is undercuts a lawsuit that has been brought by the Sierra Club. The matter is in the courts now and I believe that that's the proper place for it to proceed. Thank you."

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

"Mr. Speaker, I stand with reservations and possibly a no vote. Being in the Finance Committee, it's being referred to Finance, I will wait until then. But I just have some doubts as to the exemption that we may be asking for because we are the center of 7.5 million tourists. We know that our environment is our economy, and our

economy is our environment. I'm not sure that if the attempt to get an exemption gets out, that it's going to be very good for us, but not only from that point of view, but from the general health of our people, our swimmers, our surfers. Thank you, Mr. Speaker."

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

"Mr. Speaker, I would like a ruling on a potential conflict of interest. At my law firm, I'm representing the citizen plaintiffs that are suing the City for the sewage discharges, including this 301H violation," and the Chair ruled "no conflict."

Representative B. Oshiro then asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. I don't think that we should be encouraging the EPA to renew the waiver. I think we have probably the only waiver. We have all kinds of states that are treating their sewage to a secondary level, and I think we have to do that. I'm not interested in seeing the City pay huge fines, but I think rather than the City fighting, and I'm not sure that this Resolution goes into all of that, but there is a way to settle with the EPA by making these improvements over time where the money doesn't have to be spent all at once, but move in the right direction to secondary treatment. Thank you."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana 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.C.R. No. 118, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND STATE OF HAWAII DEPARTMENT OF HEALTH TO PURSUE A GLOBAL SETTLEMENT OF OUTSTANDING WASTEWATER ISSUES WITH THE CITY AND COUNTY OF HONOLULU, AND URGING THE ENVIRONMENTAL PROTECTION AGENCY TO RENEW THE 301(H) WAIVERS FOR THE HONOULIULI AND SAND ISLAND WASTEWATER TREATMENT PLANTS," was referred to the Committee on Finance with Representatives Ching, Finnegan, B. Oshiro and Thielen voting no, and with Representatives Cabanilla, and M. Oshiro being excused.

At 12:19 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:19 o'clock p.m.

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 Cabanilla and M. Oshiro were excused.)

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2130) recommending that S.B. No. 249, pass 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. 249, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and M. Oshiro being excused.

At 12:21 o'clock p.m., the Chair noted that S.B. No. 249 passed Third Reading.

CONFERENCE COMMITTEE REPORTS

Representatives Souki and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1528, HD 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 1528, 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. 4 and S.B. No. 1528, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1704, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 1704, SD 1, 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. 5 and S.B. No. 1704, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Representatives Sonson and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1379, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1379, HD 1, SD 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. 51 and H.B. No. 1379, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:21 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, Wednesday, April 25, 2007. (Representatives Cabanilla and M. Oshiro were excused.)