

EIGHTH DAY

Tuesday, January 29, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Marilyn B. Lee, after which the Roll was called showing all members present with the exception of Representative Sagum, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 230 through 233) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 230, dated January 18, 2008, transmitting the Report on Mental Health Services for Committed Person as required in Act 144 (2007).

Gov. Msg. No. 231, dated January 25, 2008, transmitting the Department of Human Services' Report to the Legislature (State Pharmacy Assistance Program Report).

Gov. Msg. No. 232, dated January 25, 2008, transmitting the Department of Human Services' Report as required by Act 213, Part III, Section 55, SLH 2007.

Gov. Msg. No. 233, dated January 25, 2008, transmitting the Department of Human Services' Report as required by S.C.R. 220, S.D. 1, adopted by the 2007 Hawaii State Legislature.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 47 through 50) were received by the Clerk and were placed on file:

Dept. Com. No. 47, from the Legislative Reference Bureau, transmitting the report, A Survey of Adult Protective Services and Elder Abuse in Hawaii and Nationwide.

Dept. Com. No. 48, from the Legislative Reference Bureau, transmitting the report, Guide to Government in Hawaii (Thirteenth Edition).

Dept. Com. No. 49, from the Legislative Reference Bureau, transmitting the report, Worker's Compensation Fee Schedules, Maximum Allowable Fees and Comparative Reimbursements.

Dept. Com. No. 50, from the Legislative Reference Bureau, transmitting the report, Gimme a Break: Respite Care Services in Other States.

INTRODUCTION

The following introduction was made to the members of the House:

Representative Takai, on behalf of Representatives Luke, Shimabukuro and Meyer, introduced the *keiki* and *kupuna* from the Tutu and Me Traveling Preschool and their State directors: Kahuanani Kalua from the Pauoa program; Gidget Antone from the Kahaluu program; and Jenny Willers from the Waianae program.

Representative Takai also introduced his friend, Mr. Terry Visperas with the Pauoa Tutu and Me program.

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

The House of Representatives reconvened at 12:25 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2162	Committee on Finance
2182	Committee on Finance
2213	Committee on Finance
2285	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2302	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2354	Jointly to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2424	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2558	Committee on Human Services & Housing, then to the Committee on Judiciary, then to the Committee on Finance
2635	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2800	Committee on Finance
2907	Committee on Finance
2991	Committee on Finance
3026	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
3070	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3210	Committee on Finance

3226	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
3259	Committee on Finance
3278	Committee on Finance
3341	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
3345	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
3350	Committee on Finance

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 Berg, Sagum and Sonson were excused.)

UNFINISHED BUSINESS

H.B. No. 2688, HD 1:

Representative Caldwell moved that H.B. No. 2688, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Pine rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 2688, the Legislative budget bill.

"We started this session giving high hopes to the people of Hawaii when we created our own ethics Committee. I was proud to be a part of creating that Committee because we sent a message to the people of Hawaii that we will no longer allow people to abuse their positions of power. That is why I am so disappointed with this budget because it goes against the very essence of what we worked so hard for. This budget unfairly and illegally discriminates against those staff members who choose to work in Republican offices by paying them \$500 less than those staff members that work in Democrat offices. This very practice violates our own House Rules and code of conduct and the spirit of anti-discrimination and civil rights laws.

"According to the State of Hawaii Financial Accounting and Management Information System, the same bill funding the Legislature and its departments last year had \$1.27 million that was not used. All it will take to make things right and pay Republican staff equally is \$14,000. This seems so petty to withhold such a small amount and sends a message to the public that this body will punish anyone who dares to let the people of Hawaii know what really is going on in this building.

"Sadly this story evokes a familiar feeling and that is why I must vote against this budget.

"Mr. Speaker, the story of what it was like for the first generation of my Filipino plantation family has been passed down for four generations. They worked long hours in the hot sun every day for little in return. They were treated like indentured servants, slaves, bound by a contract that they were misled to sign.

"Each generation in my family vowed to never become the plantation owners and the lunas that abused their power over my

family. They did so by threatening to take food or pay away from my great grandparents and their eight children. They silenced my family with the fear of starvation should they show any sign of protest on how they were treated.

"Many of our forefathers eventually fought this discrimination. They gave up every thing to create this State which gives us the right to a fair wage, and the right to free speech. Some even gave up their lives.

"This is why this budget is so wrong. How could we forget what happened to them and so soon?

"I write these words hoping that one good Democrat will read this and be ashamed of staying silent too having sold out for their \$500. I write these words hoping that one good Democrat will finally recognize that they have allowed their team to become the plantation owners all over again. I hope they might actually do something about it."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill. Through this bill we will fund the operations of the Legislature, Legislative Reference Bureau, State Auditor, Office of the Ombudsman, and State Ethics Commission. And, as in the past, for obvious reasons, it is one of the first bills to be approved by both the House and Senate.

"It is unfortunate that the Representative of the 43rd District still appears to not want to acknowledge facts. I spent quite a bit of time with her during a recess following the public hearing of this bill in the Finance Committee. I listened to her concerns and provided her with some simple facts. I also spent time this morning in her office to further discuss this bill with her. Certainly I do appreciate her concerns and the sentiment which drives her opposition, but it is my opinion that opposing this bill does not get her any further towards her personal goals. Moreover, I am disappointed as her arguments may be less accurate than they should be and may mislead the public.

"I also understand that Speaker Say and the Chief Clerk met with Minority Leaders, Representatives Meyer and Finnegan, and the Representative of the 43rd District, and the issue of lapsing funds appropriated for and by the Legislature was discussed. It is my understanding that several Minority Members – including the Representative of the 43rd District – insisted that the House of Representatives had \$1.2 million unspent at the end of the year.

"This is simply not true. Nothing could be further from the truth.

"The truth is the House of Representatives lapsed \$28,331. These are the facts, plain and simple and unclouded by any clever rhetoric.

- The Auditor lapsed \$700,000
- The Auditor additionally lapsed \$150,000 designated for special studies
- The Auditor also lapsed \$70,000 after conducting a financial and operational audit of the Hawaii Youth Correctional Facility
- The Legislative Reference Bureau lapsed \$200,000
- The Ombudsman lapsed \$83,000
- The Ethics Commission lapsed \$3,000

"That's where the \$1.2 million comes from. Again, the House of Representatives lapsed \$28,331.

"I also know, from speaking with the Representative of the 43rd District, that she is also concerned about the allocation of staff resources, believing them to be unfair. Once again, nothing could be further from the truth.

"I note that the ratio of House Minority Research staff to Republican legislators is about 1:1. On the other hand, the ratio of Majority Staff Office (HMSO) personnel to Democrat legislators is 1:2. Every staff person supporting the Majority, at the outset, has twice the workload of a Minority staff person.

"Moreover, it is HMSO and our individual staff that conducts pre-hearing and post-hearing work, and does the final drafts of all bills and committee reports. The Minority Members and staff need only attend the hearings and their materials are handed to them as they show up.

"As such, any concerns the Representative of the 43rd District has should be brought up with her Minority Leader, who as the Minority Caucus Leader, bound her caucus to the current allocation of resources based on workload and positions sought for the Minority Leader's offices.

"Finally, we all know that recently, a Member of the Minority Caucus in the House switched to the Majority party. There will be a workload decrease for the Minority and a workload increase for the Majority. Yet, the allocation of resources for the Minority Research Office remained unchanged.

"I suggest that the Representative reconsider her opposition and honor the rational and fair decision of her Minority Caucus leaders. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 2688, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Pine voting no, and Representatives Sagum and Sonson being excused.

At 12:27 o'clock p.m., the Chair noted that H.B. No. 2688, HD 1, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 4-08) recommending that H.B. No. 2016, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2016, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Evans 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 H.B. No. 2016, 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 Sagum and Sonson being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 5-08) recommending that H.B. No. 2119, 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 H.B. No. 2119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL TRANSPLANTS," passed Second Reading and was referred to the Committee on Consumer

Protection & Commerce with Representatives Sagum and Sonson being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 6-08) recommending that H.B. No. 1993, 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. 1993, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Sagum and Sonson being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 7-08) recommending that H.B. No. 2116, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Health and the Committee on Human Services & Housing.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CENTER ON AGING EDUCATION AND RESEARCH," passed Second Reading and was referred jointly to the Committee on Health and the Committee on Human Services & Housing with Representatives Sagum and Sonson being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 8-08) recommending that H.B. No. 2163, 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 H.B. No. 2163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPTROLLER SUPERVISION OF ACCOUNTS," passed Second Reading and was referred to the Committee on Finance with Representatives Sagum and Sonson being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 9-08) recommending that H.B. No. 2043, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2043, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

Representative Evans rose and asked that the Clerk record a no vote 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 H.B. No. 2043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION BOARD ALLOWANCE FOR FORMER FOSTER YOUTH," passed Second Reading and was referred to the Committee on Higher Education with Representative Evans voting no, and with Representatives Sagum and Sonson being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 10-08) recommending that H.B. No. 2037, 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 Committee was adopted and H.B. No. 2037, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Sagum and Sonson being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 11-08) recommending that H.B. No. 2198, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2198, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Lee's written remarks are as follows:

"During the 2007 Interim, the University of Hawaii Department of Family and Consumer Science prepared the *Needs Assessment of Grandparents Raising Grandchildren*. The grandparent needs assessment indicates that over 14,000 grandparents are primary caregivers for over 33,000 grandchildren in the State. These grandparents are providing a great service to the State by caring for these children outside of the foster care system. The needs assessment also shows that grandparents who provide care to their grandchildren often suffer emotional, physical, and financial costs, and these grandparents are a vulnerable population. The types of services needed by these grandparents include: support groups, financial assistance; respite; and assistance in dealing with legal issues such as custody. A task force to discuss the specific needs of grandparents raising grandchildren is very necessary.

"I urge my colleagues to support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Sagum and Sonson being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 12-08) recommending that H.B. No. 2133, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was referred to the Committee on Health with Representatives Sagum and Sonson being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 13-08) recommending that H.B. No. 2196, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Legislative Management with Representatives Sagum and Sonson being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 14-08) recommending that H.B. No. 2137, 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 H.B. No. 2137, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Sagum and Sonson being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 15-08) recommending that H.B. No. 2084, 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 H.B. No. 2084, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Sagum and Sonson being excused.

ANNOUNCEMENT

Representative Carroll: "Thank you, Mr. Speaker. The Committee on Energy and Environmental Protection will reconvene its hearing at 1:00 p.m. in Room 312."

ADJOURNMENT

At 12:29 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, January 30, 2008. (Representatives Sagum and Sonson were excused.)