

## THIRTY-THIRD DAY

**Monday, March 17, 2008**

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:02 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Lautoa F. Atisano'e Vaa Sr. of London Missionary Society, First Samoan Congregational Church of Nanakuli, after which the Roll was called showing all members present with the exception of Representatives McKelvey and Nakasone, who were excused.

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

## INTRODUCTIONS

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

Representative Bertram introduced staff from Maui's public access cable station, Akaku: Ms. Sara Tekula, Education Director; and Mr. Matthew Robinson, instructor. They were accompanied by teen reporters, Ms. Erin McNulty, Ms. Kailani Amine, Mr. Aleks Biskis, Ms. Corrie Colagrass, Ms. Zowie Haugaard, Ms. Caherine Inman, Mr. Chris Morris, and Ms. Feona Rehuss.

Representative Takamine, on behalf of the Big Island delegation, introduced student leadership advisors from the Island of Hawaii: from Hilo High School, Mr. Travis Ferreira and Mr. Nathan Morita; from Honokaa High School, Ms. Angela Brandt; and from Kalaniana'ole School, Ms. Mari Nakamura.

Representative Takai introduced members of the 29th Support Battalion: Captain Michael Caraang, Second Lt. Christine Mendoza, 1st Lt. Donna Wu, 1st Sgt Anthony Demello, and Specialist Barry Asberry.

Representative Berg introduced Ms. Danielle Gonzales, Deputy Director of State Policy for Pre-K Now, accompanied by her legislative aide, Mr. Curtis Johnson.

Representative Yamane introduced members of the National Association of Social Workers, and social work students from the Brigham Young University - Hawaii Campus, Hawaii Pacific University, and the University of Hawaii at Manoa.

Representative Yamane also recognized the following social worker awardees:

Ms. Gail Hironaka, Deputy Director of the Queen Liliuokalani Children's Center;

Ms. Marcia Tsue Horiuchi, Social Worker Practitioner of the Year and Clinical Director at Ku Aloha Ola Mau substance abuse treatment program.

Mr. Dominic Inocelda, Social Worker of the Year in Social Justice and Advocacy, and Program Director at Susanna Wesley Community Center; and

Ms. Liz Chun, Friend of the Social Worker award recipient, and Executive Director of the Good Beginnings Alliance.

Representative Yamane also recognized his friend, Mr. Kerry Moeai, a future social worker.

Representative Waters introduced his friend and constituent, Mr. Guy Nahale.

Representative Ward introduced Major General Robert G.F. Lee.

Representative Marumoto introduced former internees from the Honouliuli Internment Camp: Mr. Jack Tasaka; Mr. Chojiro Kageura and wife Mrs. Setsuko Kageura; and Harry Minoru Urata.

Representative Marumoto also introduced the members of the Japanese community accompanying the internees:

Japanese Cultural Center: Ms. Betsey Young; Mr. Donald Amano; Ms. Jane Kurahara; Mr. Lenny Andrew, President/Executive Director; Ms. Allicyn Tasaka, Chief Operating Officer; Mr. Brian Niiya, Resource Center Director; and Ms. Shayna Coleon, Membership/Public Relations Director.

Monsanto Hawaii, current lessors of the Honouliuli site: Ms. Stacie Sasagawa;

Japanese American Citizens League: Ms. Yoshie Tanabe and Mr. James Tanabe; and

Other guests: Mr. Kelvin Young, Ms. Myra Fujii, Ms. Leilani Tan, Mr. Conrad Kurahara, and Dr. David Kurahara.

Representative Manahan introduced constituent and community activist, Ms. Tau Vee-Remmers. She was accompanied by the Representative's office manager, Ms. Vanessa Matautia and her niece, Lianne.

Representative Shimabukuro introduced Principals from the Waianae area:

Nelson Shigeta, Makaha Elementary;  
Randall Miura, Leihoku Elementary;  
John Wataoka, Waianae Elementary;  
Disa Hauge, Maili Elementary; and  
Glen Kila and Clarence De Lude, Kamaile Elementary.

Representative Awana introduced administrators from the Nanakuli area:

Elda Esmeralda, Nanaikapono Elementary;  
Wendy Takahashi, Nanakuli Elementary;  
Keith Hayashi, District Superintendent; and  
Wendy Loo, Nanakuli Complex.

Representative Awana also introduced U.S. Congressman from American Samoa, Eni F.H. Faleomavaega.

Representative Chang introduced his friend, Mr. Eric Maehara and his daughter, Ms. Elizabeth Maehara of New York.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

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

214      Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

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

**S.B.**

**Nos. Re-referred to:**

2373, Committee on Health, then to the Committee on Judiciary  
SD1,  
HD1

2915, Committee on Finance  
SD2

**INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 314) was announced by the Clerk and the following action taken:

H.R. No. 314, entitled: "HOUSE RESOLUTION COMMENDING SALEVA'A FUAULI ATISANO'E, ALSO KNOWN AS KONISHIKI, FOR HIS CONTRIBUTIONS TO THE SPORT OF PROFESSIONAL SUMO WRESTLING AND FOR SUPPORTING HIS COMMUNITY ON THE LEEWARD COAST," was jointly offered by Representatives Awana, Mizuno, Say, Shimabukuro, Souki, Takumi and Takamine.

Representative Awana moved that H.R. No. 314 be adopted, seconded by Representative Mizuno.

Representative Awana recognized and introduced Mr. Saleva'a Fuauli Atisano'e, also known as Konishiki, for his contributions to sumo wrestling and his community, who was seated on the floor of the House.

Representative Mizuno introduced the following seated on the floor of the House:

- Reverend Lautoa Atisano'e Vaa Sr., father;
- Mrs. Chie Iijima, the honoree's wife;
- Mr. Junior Atisano'e, brother; and
- Ms. Michelle Leao, public relations director.

Representative Mizuno also recognized guests of the honoree seated in the gallery.

Representative Awana also recognized the honoree's sister, Ms. Luania Sula, and nephew seated on the floor of the House.

Representative Shimabukuro further recognized the honoree and Mr. Junior Atisano'e and on behalf of the Waianae community, thanked them.

The motion was put to vote by the Chair and carried, and H.R. No. 314 was adopted with Representatives Belatti, McKelvey and Nakasone being excused.

The following resolution (H.R. No. 315) was announced by the Clerk and the following action taken:

H.R. No. 315, entitled: "HOUSE RESOLUTION RECOGNIZING THE HAWAII NATIONAL GUARD FOR THEIR ASSISTANCE DURING NATURAL DISASTERS IN HAWAII," was offered by Representative Takai.

Representative Takai moved that H.R. No. 315 be adopted, seconded by Representative Brower.

Representative Takai commended the Hawaii National Guard comprised of the Hawaii Army National Guard and the Hawaii Air National Guard, for their service to the people of Hawaii in

responding to natural disasters, and introduced the honorees seated on the floor of the House:

Sergeant First Class Alvin Sniffen and Master Sergeant Bernard Wong representing the many units responding to the Koloko Dam breach on the Island of Kauai.

Lieutenant Colonel Patrick Fierro and Captian Joe Tolentino representing the many units responding to the October 2006 earthquake on the Big Island.

Staff Sergeant Dave VanBuren and Major David Kashiwamura representing the many units in responding to the December 2007 flood on the Island of Maui.

Representative Brower introduced members of the Hawaii National Guard seated in the gallery:

Major General Robert Lee, Adjutant General;

Lt. Colonel, Peter Ching, President of the Hawaii National Guard Association;

Master Sergeant Maui Quizon, First Sergeant 154th Wing Hawaii Air National Guard/Hawaii National Guard Enlisted Association;

Major General Darryll D.M. Wong, Commander of the Hawaii National Guard;

Brigadier General Peter Pawling, Commander of the 154th Wing;

Colonel Ann Greenlee, Joint Force HQ Chief of Staff;

Master Sergeant Denise M. Jelinski-Hall, Senior Enlisted Leader Command Chief, Hawaii National Guard;

Colonel Gary Hara, Hawaii Army National Guard Chief of Staff;

Colonel Marty Wong, Joint Force HQ Hawaii Director of Personnel Programs;

Lieutenant Colonel Reynold Hioki, Joint Force HQ Hawaii Director of Communications and Information;

Lieutenant Colonel Gary Mizumoto, Director of Logistics 201st Combat Communications Group;

Lieutenant Colonel "Kurt" Jackson, Hawaii Army National Guard Commander, Recruiting and Retention Division;

Command Sergeant Major Oshiba, Senior Enlisted Representative for the 103rd Troop Command; and

All other Airmen and Guard personnel.

The motion was put to vote by the Chair and carried, and H.R. No. 315 was adopted with Representatives Belatti, McKelvey and Nakasone being excused.

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1128-08) recommending that S.B. No. 2839, 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. 2839, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1129-08) recommending that S.B. No. 2397, 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 Committee was adopted and S.B. No. 2397, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CASTLE MEDICAL CENTER AND ITS AFFILIATES," passed Second Reading and was referred to the Committee on Finance with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1130-08) recommending that S.B. No. 3074, 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. 3074, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH," passed Second Reading and was referred to the Committee on Finance with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1131-08) recommending that S.B. No. 3027, SD 2, 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. 3027, SD 2, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1132-08) recommending that S.B. No. 3028, 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. 3028, entitled: "A BILL FOR AN ACT RELATING TO GRADUATES OF FOREIGN ACUPUNCTURE PROGRAMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1133-08) recommending that S.B. No. 2396, SD 1, 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 S.B. No. 2396, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Standing Committee Report 1133-08, Senate Bill 2396, SD 1, HD 1, Relating to Mental Health. I'm in support with reservations. There are two parts to the bill. My one reservation is in increasing the penalty to a Class C felony for making an assault on a person employed at a State operated or State contracted mental health facility. My concern is the bill does not have any language addressing the impacts it will have on the Department of Public Safety. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2396, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Green, for the Committee on Health presented four reports:

(Stand. Com. Rep. No. 1134-08), recommending that H.R. No. 90, be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education;

(Stand. Com. Rep. No. 1135-08), recommending that H.C.R. No. 108, be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education;

(Stand. Com. Rep. No. 1136-08), recommending that H.R. No. 114, be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 1137-08), recommending that H.C.R. No. 132, be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 90 and H.C.R. No. 108 be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education; and

H.R. No. 114, and H.C.R. No. 132, be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Rhoads rose and asked that the Clerk record a no vote for him on all four measures, and the Chair "so ordered."

Representative Cabanilla rose and asked that the Clerk record a no vote for her on all four measures, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record a no vote for him on all four measures, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record a no vote for her on all four measures, and the Chair "so ordered."

Representative Yamane rose to speak in opposition to all four measures, stating:

"On those same measures, with strong reservations. I enjoy my Diet Pepsi. Thank you."

Representative Ward rose to speak in support of two measures with reservations, stating:

"Mr. Speaker, with reservations on 1136 and 1137. With the notion that Dr. Chiyome Fukino is probably one of the brightest and best intellectually that we have, but it's almost an impossible task which these resolutions ask for her to do. I don't think the CDC and all the things in Washington are going to be overpowered by what we do here. I see the intent behind this, but what can actually be done by Dr. Fukino is probably very limited. Thank you."

Representative Lee rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO INVESTIGATE THE RISKS INVOLVED IN THE USE AND CONSUMPTION OF PHTHALATES, BISPHENOL-A, AND ASPARTAME IN CONSUMER PRODUCTS, ESPECIALLY BY YOUNG CHILDREN," was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education with Representatives Awana, Cabanilla, Rhoads and Tokioka voting no, and with Representatives Belatti, McKelvey, Nakasone and Takumi being excused;

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO INVESTIGATE THE RISKS INVOLVED IN THE USE AND CONSUMPTION OF PHTHALATES, BISPHENOL-A, AND ASPARTAME IN CONSUMER PRODUCTS, ESPECIALLY BY YOUNG CHILDREN," was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education with Representatives Awana, Cabanilla, Rhoads and Tokioka, voting no and with Representatives Belatti, McKelvey, Nakasone and Takumi being excused;

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO FORM A WORK GROUP TO EXPLORE THE NEED TO BAN OR BETTER LABEL PRODUCTS CONTAINING THE ARTIFICIAL SWEETENER ASPARTAME," was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce with Representatives Awana, Cabanilla, Rhoads and Tokioka voting no, and with Representatives Belatti, McKelvey, Nakasone and Takumi being excused; and

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO FORM A WORK GROUP TO EXPLORE THE NEED TO BAN OR BETTER LABEL PRODUCTS CONTAINING THE ARTIFICIAL SWEETENER ASPARTAME," was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce with Representatives Awana, Cabanilla, Rhoads and Tokioka voting no, and with Representatives Belatti, McKelvey, Nakasone and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1138-08) recommending that S.C.R. No. 57, 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. 57, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THAT PAHOA HIGH AND INTERMEDIATE SCHOOL DEDICATE ITS GYMNASIUM IN HONOR OF FORMER REPRESENTATIVE HELENE H. HALE, BY CHANGING THE NAME OF THE GYMNASIUM TO "HELENE H. HALE GYMNASIUM," was adopted, with Representatives Belatti, McKelvey and Nakasone 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 Belatti, McKelvey and Nakasone were excused.)

### THIRD READING

#### S.B. No. 2292:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.B. No. 2292, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED TELLER MACHINES," passed Third Reading by a vote of 48 ayes, with Representatives Belatti, McKelvey and Nakasone being excused.

At 12:58 o'clock p.m., the Chair noted that S.B. No. 2292, passed Third Reading.

### ANNOUNCEMENTS

Representative Herkes: "Members, please note that the CPC hearing won't begin until 3:30 p.m. We were waiting for the arrival of bill jackets and so that's why we were late filing."

Representative B. Oshiro: "Mr. Speaker, at this time I'd just like to make a short announcement. My office again is sponsoring another Hawaii Foodbank fundraiser. This time it's going to be called the Penny War, which kicked off last week. Basically at this time we only have about 37 of the offices participating, so if anybody else wants to join in, please contact my office.

"Let me briefly explain what it is. Every single penny that is collected in the jars is worth one point. Every single silver coin and/or dollar that's put in that jar is a minus of the number amount of points that are collected. And so at the end of period, which is March 31st, we'll be tallying how many points each office has. The winning office will get a pizza party. All the proceeds will be going to the Hawaii Foodbank, and basically all the pennies and dollars and silver coins that are put in. So please contact my office if you're interested.

"At this point, I just wanted to let people know, and I'm not really into sabotaging any particular office, but there is one office that's way ahead of everybody else. They're actually on their second jar and if you want to go see it, it's in Room 441. Thank you."

Representative Shimabukuro: "Thank you, Mr. Speaker. I just wanted to invite everyone to a reception we're having for Konishiki and his supporters in Room 329, right after this."

Representative Yamashita, for the Committee on Economic Development & Business Concerns requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 2394, Relating to Technology, with a proposed HD 1, to be held on Wednesday, March 19 at 8:30 a.m. in Room 325, with decision making to follow, and the Chair, "so ordered."

Representative Finnegan: "Thank you, Mr. Speaker. Just a quick reminder that tomorrow at 6:45, we have our House Activity

Tuesday on the lawn. We'll have some kickboxing tomorrow, and some self-defense. So if you can join us, it'd be great."

Representative Caldwell: "Mr. Speaker, as part of the Foodbank effort, my office is sponsoring an ice cream sundae fundraiser up in Room 437 this afternoon. Come by and we'll even give a free one Mr. Speaker, to the Minority Leader."

Representative Thielen: "Thank you, Mr. Speaker. I see some delightful Easter baskets on Representative Lee's desk and I was hoping she would make an announcement about that."

Representative Lee: "Just a reminder that on Thursday, IHS will be coming to pick up the Easter baskets, so you still have time to gather up your supplies. The people at IHS will be happy."

#### **ADJOURNMENT**

At 1:02 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, Tuesday, March 18, 2008. (Representatives Belatti, McKelvey, Nakasone and Takai were excused.)