

FIFTY-FIRST DAY

Wednesday, April 16, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Josh Green, M.D., after which the Roll was called showing all members present with the exception of Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 301 through 304) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 301, informing the House that on April 15, 2008, the following bill was signed into law:

S.B. No. 1809, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 013)

Gov. Msg. No. 302, informing the House that on April 15, 2008, the following bill was signed into law:

H.B. No. 3325, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LAND SALES PRACTICES ACT." (ACT 014)

Gov. Msg. No. 303, informing the House that on April 15, 2008, the following bill was signed into law:

H.B. No. 3343, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FILIPINO-AMERICAN HISTORY MONTH." (ACT 015)

Gov. Msg. No. 304, informing the House that on April 15, 2008, the following bill was signed into law:

S.B. No. 2399, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS." (ACT 016)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 669 through 673) were received and announced by the Clerk:

Sen. Com. No. 669, dated April 15, 2008, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bill:

2700, HD 1, SD 2 Taniguchi, Chair; Baker, Co-Chair; Tsutsui, Slom

Sen. Com. No. 670, dated April 15, 2008, informing the House that the Senate has, on April 14, 2008, reconsidered its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 2779, HD 2	"RELATING TO LABOR."
S.B. No. 3004, SD 2, HD 2	"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
S.B. No. 3005, SD 2, HD 2	"RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM."
S.B. No. 3228, HD 1	"RELATING TO ADJUSTING THE ANNUAL PENSIONS OF RETIRED PATIENT EMPLOYEES AT HANSEN'S DISEASE FACILITIES."

Sen. Com. No. 671, dated April 15, 2008, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1745, HD 3, SD 1	Senate Conferees discharged.
H.B. No. 2261, HD 2, SD 1	Senator Menor discharged as Co-Chair; Added as conferee. Senator Hooser added as Co-Chair
H.B. No. 2505, HD 2, SD 2	Senator Menor discharged as Chair; Added as conferee. Senator Hooser added as Chair.
H.B. No. 2507, HD 1, SD 2	Senator Menor discharged as Chair; Added as conferee. Senator Hooser added as Chair.
H.B. No. 2550, HD 2, SD 2	Senator Menor discharged as Chair; Added as conferee. Senator Hooser added as Chair.
H.B. No. 2811, SD 2	Senator Tsutsui discharged as Co-Chair. Senator Baker added as Co-Chair.
H.B. No. 2843, HD 2, SD 2	Senator English discharged as Co-Chair; Added as conferee. Senator Menor discharged as Co-Chair; Added as conferee. Senator Gabbard, Hooser added as Co-Chair.
S.B. No. 644, SD 3, HD 3	Senator Menor discharged as Chair; Added as conferee. Senator Hooser added as Chair.

S.B. No. 1612, SD 2, HD 2	Senator Menor discharged as Chair; Added as conferee. Senator Hooser discharged as conferee; Added as Chair.
S.B. No. 2294, SD 2, HD 1	Senator Kim discharged as conferee.
S.B. No. 2345, SD 1, HD 1	Senator Espero discharged as Co-Chair; Added as conferee. Senator Nishihara added as Co-Chair.
S.B. No. 2842, SD 2, HD 2	Senator Menor discharged as Chair; Added as conferee. Senator Hooser added as Chair.

S.B. No. 2843, SD 2, HD 3 Senator Menor discharged as Chair; Added as conferee.  
Senator Hooser added as Chair.

S.B. No. 2849, SD 1, HD 1 Senator Menor discharged as Co-Chair; Added as conferee.  
Senator Hooser added as Co-Chair.

S.B. No. 2850, SD 2, HD 2 Senator Menor discharged as Co-Chair; Added as conferee.  
Senator Hooser added as Co-Chair.

Sen. Com. No. 672, dated April 15, 2008, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

661, HD 1, SD 3 Taniguchi, Chair; Tsutsui, Co-Chair; Kokubun

1755, HD 1, SD 1 Fukunaga, Chair; Baker, Co-Chair; Slom

2062, HD 1, SD 2 Chun Oakland, Chair; Baker, Co-Chair; Ihara, Hemmings

2306, HD 2, SD 2 Ige, Chair; Fukunaga/Baker, Co-Chairs; Whalen

2326, HD 2, SD 1 Kokubun, Chair; Taniguchi, Co-Chair; Trimble

2366, SD 1 Ige, Chair; Baker, Co-Chair; Fukunaga, Whalen

2521, HD 2, SD 3 Sakamoto, Chair; Baker, Co-Chair; Fukunaga, Gabbard, Slom

2675, HD 2, SD 1 Ige, Chair; Taniguchi, Co-Chair; Whalen

2697, HD 1, SD 1 Taniguchi, Chair; Gabbard, Slom

2730, HD 1, SD 1 Inouye, Chair; Taniguchi, Co-Chair; Hemmings

2761, HD 1, SD 1 Chun Oakland, Chair; Baker, Co-Chair; Hemmings

2763, HD 1, SD 1 Chun Oakland, Chair; Espero/Baker, Co-Chairs; Hemmings

2920, SD 1 Kokubun, Chair; Taniguchi, Espero, Trimble

3150, HD 2, SD 1 Ige, Chair; Menor, Co-Chair; Fukunaga, Whalen

3175, HD 1, SD 1 Hee, Chair; Fukunaga, Whalen

Sen. Com. No. 673, dated April 15, 2008, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

2386, SD 2 Taniguchi, Chair; Tsutsui, Co-Chair; Hee

2387, HD 1, SD 2 Taniguchi, Chair; Tsutsui, Co-Chair; Hee, Whalen

2388, HD 1, SD 2 Taniguchi, Chair; Tsutsui, Co-Chair; Hee

2698, HD 3, SD 1 Taniguchi, Chair; Baker, Co-Chair; Slom

2772, HD 3, SD 1 Taniguchi, Chair; Baker, Co-Chair; Chun Oakland, Slom

2998, HD. 1, SD. 2 Taniguchi, Chair; Baker, Co-Chair; Slom

## INTRODUCTIONS

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

Representative Awana introduced the following members of the Consular Corps of Hawaii:

Ms. Lourdes Tabamo, Vice Consul of the Consulate of the Philippines, representing Mr. Ariel Abadilla, Consul General;  
Mr. Alvin Adams, Consul of Peru;  
Mr. Philip Anungar, Consul General of the Republic of the Marshall Islands;  
Ms. Teresita Bernales, Associate Member;  
Mr. Frank Boas, Associate Member;  
Ms. Jill Takasaki Canfield, Associate Member;  
Ms. Kusuma Cooray, Honorary Consul of the Democratic Socialist Republic of Sri Lanka;  
Mr. Eric G. Crispin, Honorary Consul of Brazil;  
Ms. Carmen Di Amore-Siah, Honorary Vice-Consul of Italy;  
Ms. Nina H. Fasi, Honorary Consul of Norway;  
Ms. Annie Kaneshiro, Honorary Consular Agent of the Consular Agency of Tonga; and  
Mr. Suk Ho Ha, representing Mr. Dae-hyun Kang, Consul General of Korea.

Representative Ward then continued to introduce Members of the Consular Corps of Hawaii:

Ms. Emese Komjathy, Honorary Consul of the Republic of Hungary;  
Mr. Toshio Kunikata, Consul General of Japan;  
Ms. Patricia Y. Lee, Honorary Consul of France;  
Ms. Natasha Owen, Honorary Consul of the Russian Federation;  
Mr. William E. Paupe, Honorary Consul of Kiribati;  
Ms. Ruth Rittmeister, Consul Emeritus of Norway;  
Ms. Jenny Samaan, Associate Member;  
Mr. Gaylord G. Tom, Honorary Consul of the Netherlands;  
Mr. Laurence Vogel, Honorary Consul of Denmark;  
Mr. Philip Wang, Associate Member;  
Mr. Herbert E. Wolff, Honorary Consul of Malaysia;  
Mr. R.J. "Zap" Zlatoper, Honorary Consul of Slovenia; and  
Mr. Hans Strasser, Honorary Consulate of Austria.

Representative Finnegan introduced the staff members of Women in Need, Ms. Mary Scott-Lau, Executive Director; Ms. Nancy Cullen; and program participants, Ms. Donna Kaimi, Ms. Michelle Amaya, Ms. Marcia Burmoy, and Ms. Lily Haida.

Representative Finnegan also introduced Mr. Dean Kealanahele-Querubin with the Paxon Group Community All Stars and About Face program. He was accompanied by his mother, Ms. Gina Kealanahele-Querubin.

Representative Finnegan also introduced staff members of the Tutu and Me Traveling Preschool on Kauai, Oahu, Molokai, Maui and Hawaii.

Representative Pine introduced her friend, Mr. Michael McNulty with the Next Step shelter program.

Representative Awana introduced the members of the Hawaiian Kingdom Government:

Ms. Kulamika Makekau, Royal Minister of Foreign Affairs;  
Ms. Kaleiahiah, Tribunal Chief Justice;  
Mr. Panakonau'e, Royal Minister of Interior;  
Mr. Lambert Smith, Legislator Coordinator;  
Mr. Keala Tau'a, Royal Ministry of Security;  
Ms. Charlotte Kahalewai, Attorney General;

Ms. Pauline Kaihana, Legislative Member;  
 Ms. Charlene Kamake'e'aina, Circuit Judge;  
 Mr. Solomon Kahalewai, Legislative Member;  
 Mr. Wayne Waiolama, Legislative Member;  
 Mr. Stanley Aikala, Judiciary; and  
 Ms. Leocadia Hashimoto, Legislative Member.

## ORDER OF THE DAY

### COMMITTEE REASSIGNMENTS

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

#### S.C.R.

#### Nos.

#### Re-referred to:

41, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce
106, SD1	Committee on Human Services & Housing
196, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce

### STANDING COMMITTEE REPORT

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1910-08) recommending that S.C.R. No. 5, 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. 5, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE ALL BELIEVERS NETWORK TO ESTABLISH THE STATEWIDE INTERFAITH STEERING COMMITTEE TO EXPLORE THE POSSIBILITY OF ORGANIZING A MAJOR INTERNATIONAL INTERFAITH CONFERENCE IN HAWAII TO TAKE PLACE BY 2011," was adopted, with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1911-08) recommending that S.C.R. No. 52, HD 1, as amended in HD 2, 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. 52, HD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN," was adopted, with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1912-08) recommending that S.C.R. No. 84, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 84, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of Stand. Com. 1912. Thank you. Unfortunately, our good Member from Kihei is not here today, but he has been a champion of this effort ever since coming here Mr. Speaker. And although it doesn't look it when you look at me, I still absorb what he's talking about. And I do believe his mission in life to educate us, as well the people of the State in the area of vegetarian and vegan meals is appreciated.

"And at this time I'd like to request written comments entered into the Journal and I'm going to ask our Representative from Kihei to help me with it," and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of SCR 84.

"Over the past two years, I've grown to know and appreciate the efforts of our colleague from South Maui, the Representative from House District 11.

"I don't know of anyone else who has come into our body that has been able to shape public policy on an issue that wasn't considered just a few years ago.

"The Representative from South Maui is a leader who strongly believes that children and adults, as well, need to have the opportunity to choose more healthy eating habits.

"I asked the Representative from South Maui to give me a few comments about why he supports SCR 84, and why we as a body need to support this Resolution.

"Here are comments from Rep. Joe Bertram from South Maui:

SCR 84 requests the Department of Education and the Hawaii Public School Food Service to develop nutritionally-sound public school menu plans that include vegetarian and vegan meals.

Vegetarian (i.e. the plant-based diet) will not only address childhood obesity, it will also lead to a healthier community in the long run and a healthier planet.

A recent study, the biggest so far, confirmed lower obesity rates, as well as, a reduction in many diseases. Also the UN report on global warming identified methane from cows and the meat industry as a major contributor to global warming.

The main impediment to vegetarians is peoples' strong addiction to meat. Introducing kids to the possibility of vegetarian dishes can begin the slow evolution to a healthy, sustainable world.

"I urge our colleagues to head the advice from the Representative from South Maui and to support this Resolution. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I also rise in strong support. Mr. Speaker, I've had as you know and some others may know the opportunity to understand diabetes on a much more personal scale this year. It's my understanding that this disease is the most epidemic disease in our State, and I know that we've passed Legislation also to acknowledge this.

"But I think that our local people, our Hawaii people don't always get the opportunity to make changes in their diet, I myself included. And now we have a new awareness of this disease which is somewhat preventable by diet. More and more dialysis centers will pop up, people will lose their lives, families will be crushed, and friends will be saddened. And I think that it's time that our Hawaii people, especially our children understand that a vegan diet can

prevent many of these life-threatening diseases. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Real briefly, my colleague from Kihei is not here so I will briefly stand in his stead. It's a passionate issue for him, not only because of the health concerns, but also because it evolves around choice, something that's been lacking. It was funny when I saw this because in 1992 when I was an aide in the State Senate, you couldn't even get a Resolution like this heard, so I really think that us adopting this today and moving this forward shows that this body is truly moving things forward in the State of Hawaii. So thank you, and thank you Members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 84, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HAWAII PUBLIC SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY-SOUND PUBLIC SCHOOL MENU PLANS THAT INCLUDE VEGETARIAN AND VEGAN MEALS," was adopted, with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters 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. 1913-08), recommending that S.C.R. No. 72, SD 1, 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. 72, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CONDUCT A FEASIBILITY STUDY TO EXAMINE VARIOUS IMPACTS OF A LONGER SCHOOL DAY AND INCREASING THE NUMBER OF DAYS IN THE SCHOOL YEAR ON KINDERGARTEN THROUGH GRADE TWELVE STUDENTS," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1914-08), recommending that S.C.R. No. 74, SD 1, 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.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP GUIDELINES TO REDUCE THE TRUANCY RATE IN THE PUBLIC SCHOOL SYSTEM," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1915-08), recommending that S.C.R. No. 83, SD 1, 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.C.R. No. 83, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE APPROPRIATE ACCOUNTABILITY STRUCTURE FOR THE HAWAII TEACHER STANDARDS BOARD," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1916-08), recommending that S.C.R. No. 111, 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.C.R. No. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE CURRICULAR MATERIALS THAT REFLECT THE HAWAII STANDARDS TO ASSIST A TEACHER WHO HAS TO TEMPORARILY TEACH IN AN AREA WHERE THE TEACHER IS NOT HIGHLY QUALIFIED," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1917-08), recommending that S.C.R. No. 114, SD 1, 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.C.R. No. 114, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY GROUP TO RE-ENGINEER THE DEPARTMENT OF EDUCATION'S OFFICE OF HUMAN RESOURCES," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1918-08), recommending that S.C.R. No. 118, SD 1, as amended in HD 1, 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.C.R. No. 118, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION IMPROVING THE COMMUNITY'S UNDERSTANDING OF THE DEPARTMENT OF EDUCATION'S PROGRAMS AND SCHOOL EXPENSES INCLUDING A COMPARISON WITH OTHER STATES ON ADEQUACY OF FUNDS," was referred to the Committee on Finance with Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters being excused.

## ANNOUNCEMENTS

Representative Sonson, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Thursday, April 17, 2008, at 11:30 a.m. in Room 312, and the Chair "so ordered."

S.C.R. No. 102, SD 1, Requesting the Departments of Public Safety and Human Resources Development to Increase the Salaries and Improve the Benefits that are Provided to Deputy Sheriffs; and

S.C.R. No. 67, SD 1, Urging the Legislature to Declare September as Language Access Month and Requesting the Office of Language Access to Conduct a Feasibility Study on Establishing a Statewide Centralized Language Access Resource Center.

Representative Karamatsu, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Thursday, April 17, 2008, at 11:30 a.m. in Room 414, and the Chair "so ordered."

S.C.R. No. 4, Authorizing the Issuance of Non-exclusive Easement Covering a Portion of State Submerged Lands at Lahaina, Maui for Maintenance and Repair of Existing Concrete Pillars and Improvement Purposes; and

S.C.R. No. 210, Requesting the Legislature to Review the Action of the Board of Land and Natural Resources Relating to a Land Exchange.

#### 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, Thursday, April 17, 2008. (Representatives Bertram, Brower, Cabanilla, Manahan, Nakasone, Wakai and Waters were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 16, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

H.B. No. 2520, HD 3, SD 2	Representative Lee replaced Representative M. Oshiro as Co-Chair
------------------------------	---