

## FIFTY-SECOND DAY

**Thursday, April 17, 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 Vice Speaker Chong presiding.

The invocation was delivered by Mr. Kainoa Daines of the Miramar Hotel, and son of Ms. Poni Danes of Representative Hanohano's office, after which the Roll was called showing all members present with the exception of Representatives Brower, Cabanilla, Manahan, Marumoto, Nakasone and Wakai, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 305) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 305, informing the House that on April 16, 2008, the following bill was signed into law:

S.B. No. 2425, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARSON." (ACT 017)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 674 through 679) were received and announced by the Clerk:

Sen. Com. No. 674, transmitting H.C.R. No. 117, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO ASSEMBLE VARIOUS STATE, COUNTY, AND COMMUNITY AGENCIES TO MEET AND DEVELOP A HANAPEPE SALT POND RESOURCE MANAGEMENT PLAN," which was adopted by the Senate on April 16, 2008.

Sen. Com. No. 675, transmitting H.C.R. No. 194, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. NAVY TO CLEAR THE COASTLINE OF LOWER WAIPAHAU THAT IS UNDER ITS JURISDICTION FROM INVASIVE PLANT-LIFE AND EXCESSIVE FOLIAGE FOR SAFETY AND AESTHETIC PURPOSES," which was adopted by the Senate on April 16, 2008.

Sen. Com. No. 676, dated April 16, 2008, informing the House that the Senate has, on April 15, 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. 3068, SD 1, HD 1 "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION."

S.B. No. 3074, SD 1, HD 1 "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH."

Sen. Com. No. 677, dated April 16, 2008, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. No. 53, SD 1, HD 1 "REQUESTING THE PRESIDENT OF THE UNITED STATES TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN."

Sen. Com. No. 678, dated April 16, 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:

1365, SD 2 Taniguchi, Chair; Baker, Co-Chair; Slom

3422, HD 2, SD 1 Taniguchi, Chair; Baker, Co-Chair; Gabbard

Sen. Com. No. 679, dated April 16, 2008, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 2521, HD 2, SD 3 Senator Fukunaga discharged as conferee; Added as Co-Chair.

S.B. No. 1612, SD 2, HD 2 Senator Hooser discharged as Chair; Added as conferee. Senator Menor discharged as conferee; Added as Chair.

S.B. No. 2365, SD 1, HD 1 Senator Menor discharged as Co-Chair; Added as conferee. Senator Hooser added as Co-Chair.

S.B. No. 2842, SD 2, HD 2 Senator Hooser discharged as Chair. Senator Menor discharged as conferee; Added as Chair.

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

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 71 and 72) were received by the Clerk and were placed on file:

Dept. Com. No. 71, dated April 16, 2008, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Performance Audit on the State Administration's Actions Exempting Certain Harbor Improvements To Facilitate Large Capacity Ferry Vessels From the Requirements of the Hawai'i Environmental Impact Statements Law: Phase I.

Dept. Com. No. 72, dated April 16, 2008, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Financial Review of the Hawaii Health Systems Corporation.

## INTRODUCTIONS

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

Representative Karamatsu introduced the United States Junior Chamber of Commerce's 88th President, Ms. Denise P. O'Neil of Tennessee. She was accompanied by Mr. Patrick Tomiyasu, Hawaii Jaycees 65th President, and Mr. Jeffrey Cudiamat, Hawaii Jaycees Director of Public Relations.

Representative Meyer introduced her constituent, Mr. Richard Fale.

Representative Berg introduced the 3rd grade students of Aina Haina Elementary School. They were accompanied by their teachers, Ms. Erin Maeshiro, Mrs. Shawn Nakamura, and Ms. Gail Yip; and chaperones, Ms. Renee Ako, Ms Bobbi Lum-Mew, Ms. Tessa Ching, Ms. Asselbaye, Mr. Dustin Tanaka, Mrs. Marie Paresa, Ms. Wa Cathy Li, and Ms. Lisa Char.

Representative Caldwell introduced the nicest person in the Capitol, House Printshop Manager, Ms. Tammy Tengan of the Chief Clerk's Office.

## ORDER OF THE DAY

### COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
2040, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, then to the Ocean Resources & Hawaiian Affairs, then to the Committee on Energy & Environmental Protection, then to the Committee on Human Services & Housing, then to the Committee on Finance

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

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
88, SD1	Committee on Health
102, SD 1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment

### UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, please note that Senate Concurrent Resolution No. 106, SD 1 was re-referred solely to the Committee on Human Services & Housing per Committee Referral Sheet No. 85 that was placed on your desks today. The Committee on Judiciary waived its referral to this measure and therefore it is appropriate for the House to consider action for adoption."

### SUSPENSION OF RULES

Representative Caldwell moved to suspend the rules of the House to reconsider action previously taken on S.C.R. No. 106, SD 1, seconded by Representative B. Oshiro and carried. (Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative Caldwell moved to reconsider action taken pursuant to the recommendations contained in Stand. Com. Rep. No. 1906-08 in referring S.C.R. No. 106, SD 1, to the Committee on Judiciary, seconded by Representative B. Oshiro and carried. (Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai were excused.)

### ADOPTION

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.C.R. No. 106, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OFFICE OF YOUTH SERVICES AND THE DEPARTMENT OF HUMAN SERVICES CONVENE A WORKING STUDY GROUP TO CONDUCT A STUDY INTO SAFE SHELTER OPTIONS FOR YOUTH," was adopted, with Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai being excused.

### STANDING COMMITTEE REPORT

Representatives Takumi and Green, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1919-08), recommending that S.C.R. No. 134, SD 2, 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 Committees was adopted and S.C.R. No. 134, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO "BUY LOCAL" AND TO IMPLEMENT AND DEVELOP FOOD WARE AND FOOD WASTE RECYCLING PROGRAMS TO ENCOURAGE SUSTAINABILITY," was referred to the Committee on Finance with Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai being excused.

### SUSPENSION OF RULES

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to a certain House bill. (Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative Caldwell moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bill, seconded by Representative B. Oshiro and carried. (Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai were excused.)

H.B. No. 3109, SD 1

### ANNOUNCEMENTS

Representative Thielen: "I would like to remind Members that next Tuesday is Earth Day, and that means this Friday is natural fiber Aloha Friday, either hemp or other natural fiber, in honor of Earth Day. Thank you."

Representative Lee, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for decision making only on the following Senate Concurrent Resolutions which were previously heard. They will be schedule on Friday, April 18th at 11:15 a.m. in Room 308," and the Chair "so ordered."

S.C.R. 72, SD 1, Requesting that the Department of Education Conduct a Feasibility Study to Examine Various Impacts of a Longer School Day,

S.C.R. 74, SD 1, Requesting the Department of Education to Convene a Working Group to Develop Guidelines to Reduce the Truancy Rate,

S.C.R. 83, SD 1, Requesting the Auditor to Conduct a Study on the Appropriate Accountability Structure for the Hawaii Teachers Standard Board,

S.C.R. 111, 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,

S.C.R. 114, SD 1, Creating an Advisory Group to Re-engineer the Department of Education's Office of Human Resources,

S.C.R. 118, SD 1, HD 1, Improving the Community's Understanding of the Department of Education's Programs and School Expenses, and

S.C.R. 134, SD 2, HD 1, Urging the Department of Education and the Department of Health to Buy Local.

Representative Ward: "Mr. Speaker, today is a very special day for the Middle East. On April 17, Syria gained its independence from France. An interesting fact about Syria is that it's about the size of North Dakota. It only has 18 million people, but the capital, Damascus, was in 753 B.C. a flourishing city, even a couple thousand years before Rome. So today is Syria's National Day."

Representative Lee: "Mr. Speaker, I have one additional announcement. We would like the Finance Committee Co-Chairs to meet briefly in the Caucus Room after this meeting. Thank you."

#### ADJOURNMENT

At 12:25 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 18, 2008. (Representatives Brower, Cabanilla, Manahan, Nakasone and Wakai were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 17, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

2293, SD 1, HD 1 Shimabukuro/Ito/Rhoads, Co-Chrs.; Thielen

2294, SD 2, HD 1 Ito/Shimabukuro/Karamatsu, Co-Chrs.;  
Brower, Rhoads, Thielen

House Communication dated April 17, 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. 2040, Representative Yamashita moved to lead  
SD 2 Co-Chair

House Communication dated April 17, 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 changes to the conferees on the following measures:

H.B. No. 2245, Discharged Representative Takai  
HD 1, SD 2

H.B. No. 2306, Discharged Representative Takai  
HD 2, SD 2

H.B. No. 2408, Discharged all House Conferees  
HD 1, SD 2

House Communication dated April 17, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 3, 2008 and gives notice of intent to agree for the following House Bill No. 3109, SD 1.