

SEVENTH DAY

Monday, February 2, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend James Reed of Friendship Bible Church, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. Nos. 230) was received and announced by the Clerk:

Gov. Msg. No. 230, dated January 27, 2009, requesting immediate passage of H.B. No. 1064 authorizing an emergency appropriation of \$60,000,000 out of the Emergency and Budget Reserve Fund for the health care payments program of the Department of Human Services.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R.
Nos.**Referred to:**

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| 8 | Jointly to the Committee on Human Services and the Committee on Health |
| 9 | Committee on Human Services |
| 10 | Committee on Education |
| 11 | Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance |
| 12 | Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance |
| 13 | Committee on Public Safety, then to the Committee on Finance |
| 14 | Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Public Safety, then to the Committee on Finance |
| 15 | Committee on Public Safety, then to the Committee on Consumer Protection & Commerce |
| 16 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance |
| 17 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Higher Education, then to the Committee on Finance |
| 18 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Housing |
| 19 | Committee on Health, then to the Committee on Finance |

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| 20 | Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance |
| 21 | Committee on Economic Revitalization, Business, & Military Affairs |
| 22 | Committee on Labor & Public Employment, then to the Committee on Finance |
| 23 | Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance |
| 24 | Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources |
| 25 | Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance |
| 26 | Committee on Economic Revitalization, Business, & Military Affairs |
| 27 | Jointly to the Committee on Hawaiian Affairs and the Committee on Human Services, then to the Committee on Judiciary |
| 28 | Committee on Energy & Environmental Protection, then to the Committee on Finance |
| 29 | Committee on Human Services |
| 30 | Committee on Finance |
| 31 | Committee on Human Services, then to the Committee on Judiciary |
| 32 | Committee on Human Services |
| 33 | Committee on Human Services |
| 34 | Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health |
| 35 | Committee on Human Services |
| 36 | Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance |
| 37 | Committee on Human Services |

H.C.R.
Nos.**Referred to:**

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| 4 | Jointly to the Committee on Human Services and the Committee on Health |
| 5 | Committee on Human Services |
| 6 | Committee on Education |
| 7 | Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance |
| 8 | Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance |
| 9 | Committee on Public Safety, then to the Committee on Finance |

<p>10 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Public Safety, then to the Committee on Finance</p> <p>11 Committee on Public Safety, then to the Committee on Consumer Protection & Commerce</p> <p>12 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance</p> <p>13 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Higher Education, then to the Committee on Finance</p> <p>14 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Housing</p> <p>15 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Labor & Public Employment</p> <p>16 Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance</p> <p>17 Committee on Health, then to the Committee on Finance</p> <p>18 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance</p> <p>19 Committee on Economic Revitalization, Business, & Military Affairs</p> <p>20 Committee on Labor & Public Employment, then to the Committee on Finance</p> <p>21 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>22 Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources</p> <p>23 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance</p> <p>24 Committee on Economic Revitalization, Business, & Military Affairs</p> <p>25 Jointly to the Committee on Hawaiian Affairs and the Committee on Human Services, then to the Committee on Judiciary</p> <p>26 Committee on Energy & Environmental Protection, then to the Committee on Finance</p> <p>27 Committee on Public Safety, then to the Committee on Hawaiian Affairs</p> <p>28 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>29 Committee on Hawaiian Affairs, then to the Committee on Judiciary</p> <p>30 Committee on Education, then to the Committee on Housing, then to the Committee on Finance</p> <p>31 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary</p> <p>32 Committee on Human Services</p>	<p>33 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance</p> <p>34 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance</p> <p>35 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance</p> <p>36 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>37 Committee on Human Services, then to the Committee on Judiciary</p> <p>38 Committee on Human Services</p> <p>39 Committee on Human Services</p> <p>40 Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Legislative Management</p> <p>41 Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management</p> <p>42 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health</p> <p>43 Committee on Health, then to the Committee on Consumer Protection & Commerce</p> <p>44 Committee on Human Services</p> <p>45 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance</p> <p>46 Committee on Human Services</p> <p>47 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management</p> <p>48 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management</p> <p>49 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources</p>
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COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
26	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
59	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
86	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
148	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

152	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	545	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
155	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	583	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
159	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	602	Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
186	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	630	Committee on Judiciary, then to the Committee on Finance
206	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	642	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
218	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	655	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
231	Committee on Public Safety, then to the Committee on Legislative Management, then to the Committee on Finance	761	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
251	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	811	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
268	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	866	Committee on Transportation
269	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	873	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
286	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	880	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
312	Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Finance	902	Committee on Hawaiian Affairs, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, then to the Committee on Finance
316	Jointly to the Committee on Public Safety and the Committee on Agriculture, then to the Committee on Finance	915	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
317	Jointly to the Committee on Health and the Committee on Public Safety, then to the Committee on Finance	932	Committee on Transportation, then to the Committee on Finance
359	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	973	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
364	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	1276	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
389	Committee on Energy & Environmental Protection, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1377	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
423	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	1409	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
495	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance		
523	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		
533	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance		
541	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance		

UNFINISHED BUSINESS

Representative B. Oshiro moved for the adoption of H.R. No. 39, seconded by Representative Finnegan.

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

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, I rise with a bit of history in my support for this measure, in that I appreciate you, Mr. Speaker, and the leadership that every year entertains the possible changes that the Minority would suggest. This year, five changes were suggested and though they weren't successful, well maybe there was a half of one,

there's one more that I wanted to bring forward that some of us are a little bit sensitive to and would like to remind the Members about, and that was one of the real changes was to use the Mason's Rules *vis-a-vis* the call for recess.

"In Mason's Rules, section 216, Rules Governing Motions for Recess. The motion to recess cannot be made while another has the floor or during the voting or the verification of the vote. Unfortunately, the Rules of the House is silent on this. When some Members were speaking and someone called for a recess, they said, 'Well yeah, it's against Mason's Rules but, it's a tradition here.' So I would only say, Members, let's be respectful of each of us as we speak, and if you don't like what somebody's saying, stand up and refute it, rather than stand up and recess it because that, according to the rules, is not 'kosher.' Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 39, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE OF THE STATE OF HAWAII TO CORRECT TECHNICAL ERRORS," was adopted with Representative M. Oshiro being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 41) and concurrent resolution (H.C.R No. 50) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTATIVES TO STUDY ISSUES RELATING TO THE CONTINUATION OF STATE GOVERNMENT DURING AN EMERGENCY," was jointly offered by Representatives Evans, Hanohano and Aquino.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTATIVES TO STUDY ISSUES RELATING TO THE CONTINUATION OF STATE GOVERNMENT DURING AN EMERGENCY," was jointly offered by Representatives Evans, Hanohano and Aquino.

ANNOUNCEMENTS

Representative Har: "Thank you, Mr. Speaker. As this body knows, last year my father passed away at the age of 70. Yesterday was a very difficult day for me and my family because yesterday would have been my father's 71st birthday. But, the flipside is, it was also a very joyous day and I'd like to ask the Members in joining me to wish our Speaker of the House of Representatives, Calvin Say, a very happy birthday."

Speaker Say: "Thank you, very much. I believe there was also another birthday boy on Saturday, and that young man is Representative Manahan. Representative Manahan, please stand to be recognized.

"And if you saw the article yesterday in the *Advertiser's* Hot Seat, 'Paloloboy56.' I'm 57 now."

At 12:16 o'clock p.m., Representative Chong requested a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

Representative Carroll, for the Committee on Hawaiian Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing HB No. 902, relating to the ceded land issue on Wednesday, February 4 at 9:00 a.m. in Room 329.

Representative Chong: "Thank you, Mr. Speaker. I would also like to recognize someone on this Floor who had a birthday a couple weeks ago,

and that is our illustrious Majority Leader, from the Aiea area, Representative Blake Oshiro."

ADJOURNMENT

At 12:18 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 3, 2009.