

## SIXTIETH DAY

Wednesday, May 6, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:08 o'clock p.m., with Vice Speaker Magaaoay presiding.

The invocation was delivered by Representative Pono Chong, after which the Roll was called showing all Members present with the exception of Representatives Bertram, M. Oshiro and Takai, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 328 through 330) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 328, informing the House that on May 5, 2009, the following bill was signed into law:

S.B. No. 1327, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX." (ACT 040)

Gov. Msg. No. 329, informing the House that on May 5, 2009, the following bill was signed into law:

S.B. No. 501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE." (ACT 041)

Gov. Msg. No. 330, dated May 6, 2009, informing the House that on May 5, 2009, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 1260 SD1 HD1

On May 5, 2009, Senate Bill No. 1260, entitled "A Bill for an Act Relating to Air Pollution Fees" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to eliminate the cap on air pollution fees for covered air pollution sources permitted under the federal Clean Water Act. The federal government allowed states to set caps in recognition of the impact high fees would have on the users of electricity. Currently, Section 342B-29, Hawaii Revised Statutes, allows the Department of Health to assess fees for the first 4,000 tons of air pollutants from a covered air pollution source. This legislation would remove the cap which will result in an increase in fees for certain entities, most notably larger power plants.

At most times and in most places in Hawaii, we enjoy some of the best air quality in the nation. This is reaffirmed through the fact that the State meets the federal Environmental Protection Agency's air pollution attainment standards. The Department of Health works diligently to regulate and monitor air pollution sources and has the authority to assess fees to support programs to improve our air quality statewide.

While enactment of this bill may provide an incentive for certain large power plants to reduce their emissions, we must be mindful of the fact that any increase in fees will almost certainly be passed on to the consumer through higher electric utility rates. This bill attempts to address renewable energy goals through punitive measures that adversely impact our residents rather than through the positive, proactive approaches my Administration has implemented through our Hawaii Clean Energy Initiative. In these difficult economic times, we cannot continue to operate government programs and services by burdening consumers with higher taxes and fees.

For the foregoing reasons, I allowed Senate Bill No. 1260 to become law as Act 42, effective May 5, 2009, without my signature.

Sincerely,

/s/  
LINDA LINGLE"

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 779 and 780) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 779, dated May 5, 2009, informing the House that the following bills have this day passed Final Reading in the Senate:

HB No. 28, HD 1, SD 2, CD 1  
 HB No. 31, SD 1, CD 1  
 HB No. 262, HD 2, SD 2, CD 1  
 HB No. 271, SD 2, CD 1  
 HB No. 358, HD 1, SD 1, CD 1  
 HB No. 366, HD 2, SD 2, CD 1  
 HB No. 589, HD 1, SD 2, CD 1  
 HB No. 590, HD 1, SD 2, CD 1  
 HB No. 615, HD 1, SD 2, CD 1  
 HB No. 618, SD 2, CD 1  
 HB No. 632, HD 1, SD 1, CD 1  
 HB No. 640, HD 1, SD 2, CD 1  
 HB No. 643, HD 2, SD 2, CD 1  
 HB No. 813, HD 1, SD 1, CD 1  
 HB No. 814, HD 2, SD 2, CD 1  
 HB No. 952, HD 1, SD 2, CD 1  
 HB No. 981, HD 2, SD 2, CD 1  
 HB No. 1040, HD 1, SD 2, CD 1  
 HB No. 1070, SD 1, CD 1  
 HB No. 1141, HD 1, SD 1, CD 1  
 HB No. 1316, HD 2, SD 1, CD 1  
 HB No. 1351, HD 2, SD 1, CD 1  
 HB No. 1378, HD 2, SD 2, CD 1  
 HB No. 1379, HD 2, SD 2, CD 1  
 HB No. 1415, HD 1, SD 2, CD 1  
 HB No. 1422, HD 1, SD 1, CD 1  
 HB No. 1470, HD 1, SD 1, CD 1  
 HB No. 1479, HD 2, SD 1, CD 1  
 HB No. 1512, HD 1, SD 1, CD 1  
 HB No. 1611, HD 2, SD 2, CD 1  
 HB No. 1696, HD 2, SD 1, CD 1  
 HB No. 1809, HD 2, SD 1, CD 1  
 SB No. 1, SD 1, HD 2, CD 1  
 SB No. 19, SD 1, HD 2, CD 1  
 SB No. 34, SD 1, HD 1, CD 1  
 SB No. 35, SD 1, HD 1, CD 1  
 SB No. 50, SD 1, HD 2, CD 1  
 SB No. 55, SD 1, HD 1, CD 1  
 SB No. 113, HD 1, CD 1  
 SB No. 166, SD 1, HD 1, CD 1  
 SB No. 203, SD 2, HD 1, CD 1  
 SB No. 281, HD 1, CD 1  
 SB No. 300, SD 2, HD 2, CD 1  
 SB No. 440, SD 2, HD 1, CD 1  
 SB No. 470, HD 1, CD 1

SB No. 536, SD 1, HD 1, CD 1  
 SB No. 539, SD 1, HD 1, CD 1  
 SB No. 564, SD 2, HD 1, CD 1  
 SB No. 585, SD 2, HD 1, CD 1  
 SB No. 605, SD 1, HD 3, CD 1  
 SB No. 695, SD 1, HD 1, CD 1  
 SB No. 711, SD 1, HD 2, CD 1  
 SB No. 714, SD 1, HD 2, CD 1  
 SB No. 764, SD 2, HD 2, CD 1  
 SB No. 851, SD 1, HD 3, CD 1  
 SB No. 868, SD 2, HD 2, CD 1  
 SB No. 912, SD 2, HD 2, CD 1  
 SB No. 917, SD 2, HD 1, CD 1  
 SB No. 931, SD 1, HD 1, CD 1  
 SB No. 932, SD 2, HD 2, CD 1  
 SB No. 1005, SD 2, HD 2, CD 1  
 SB No. 1058, SD 2, HD 2, CD 1  
 SB No. 1065, SD 2, HD 1, CD 1  
 SB No. 1069, SD 1, HD 2, CD 1  
 SB No. 1073, SD 1, HD 2, CD 1  
 SB No. 1142, SD 1, HD 1, CD 1  
 SB No. 1183, SD 2, HD 2, CD 1  
 SB No. 1195, SD 1, HD 2, CD 1  
 SB No. 1223, SD 1, HD 2, CD 1  
 SB No. 1250, SD 1, HD 1, CD 1  
 SB No. 1259, SD 2, HD 2, CD 1  
 SB No. 1263, SD 2, HD 3, CD 1  
 SB No. 1268, SD 2, HD 1, CD 1  
 SB No. 1338, SD 2, HD 2, CD 1  
 SB No. 1350, SD 2, HD 1, CD 1  
 SB No. 1677, SD 1, HD 2, CD 1

Sen. Com. No. 780, dated May 5, 2009, informing the House that the Senate has on April 29, 2009, reconsidered its action taken on April 16, 2009, in disagreeing to the amendments proposed by the House to the following Senate bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

S.B. No. 420, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE."

S.B. No. 777, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION."

S.B. No. 937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

S.B. No. 967, SD 2, HD 3, entitled: A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

S.B. No. 1008, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS."

S.B. No. 1568, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

#### DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 67) was received by the Clerk and was placed on file:

Dept. Com. No. 67, dated May 5, 2009, from David McClain, President, University of Hawaii System, transmitting the Report to the Legislature on

the Security Breach at Kapi'olani Community College, University of Hawai'i (Section 487N-4, Hawaii Revised Statutes) as requested by the Legislature.

#### INTRODUCTION

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

Representative Sagum introduced friends from Kauai, Ms. Theri Martin and Mr. Travis Haumea.

#### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House bill. (Representatives Bertram, M. Oshiro and Takai were excused.)

#### RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House bill, seconded by Representative Evans.

H.B. No. 426, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House bill. (Representatives Bertram and Takai were excused.)

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans.

H.C.R. No. 37, (SD 1)  
 H.C.R. No. 51, (SD 1)  
 H.C.R. No. 55, (SD 1)  
 H.C.R. No. 60, (SD 1)  
 H.C.R. No. 94, HD 1, (SD 1)  
 H.C.R. No. 135, (SD 1)  
 H.C.R. No. 148, (SD 1)

Representative Souki rose, stating:

"Mr. Speaker, I have a question; a point of information. On these resolutions, I was recently listening to the Senate on television, and they had a resolution on Islam. Was that in any of these measures? I may have missed some of these resolutions that concern Islam. None? Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Concurrent Resolutions. (Representatives Bertram and Takai were excused.)

#### FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

**H.C.R. No. 37, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 37, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING RELIGIOUS AND FAITH-BASED ORGANIZATIONS TO DEVELOP APPROPRIATE WAYS TO RESPOND TO THE NEEDS OF VICTIMS OF DOMESTIC VIOLENCE," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 51, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 51, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCREASE EDUCATIONAL EFFORTS TO PREVENT AND ERADICATE CERVICAL CANCER," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 55, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 55, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO INCREASE REIMBURSEMENT TO HAWAII PROVIDERS," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 60, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NA ALA HELE ADVISORY COUNCIL TO CONVENE A SERIES OF DISCUSSIONS ON THE SAFE USE OF HUNTING DOGS ON TRAILS THAT CROSS PUBLIC HUNTING AREAS," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 94, HD 1, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 94, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A REVIEW OF THE PERFORMANCE OF THE MANAGEMENT OF THE PUUWAI MOMI AND WEST OAHU ASSET MANAGEMENT PROJECTS (KNOWN AS AMP 30 AND AMP 44) TO COMPARE THE PERFORMANCE OF STATE OPERATED AND PRIVATELY OPERATED PUBLIC HOUSING PROPERTIES; AND TO DETERMINE THE RELATIVE CONTRIBUTIONS OF FUNDING LEVELS, MISMANAGEMENT, AND TENANT AND VISITOR ACTIONS TO THE FAILURE TO MEET PERFORMANCE STANDARDS FOR THESE PROPERTIES," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 135, SD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 135, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONCEPT OF ESTABLISHING A SYSTEM OF JUVENILE INTAKE AND ASSESSMENT CENTERS, AS EMBODIED BY THE PROPOSED PILOT BIG ISLAND JUVENILE INTAKE AND ASSESSMENT CENTER, THROUGHOUT THE STATE," was Adopted, with Representatives Bertram and Takai being excused.

**H.C.R. No. 148, SD 1:**

Representative B. Oshiro moved that H.C.R. No. 148, SD 1, be adopted, seconded by Representative Evans.

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

"Mr. Speaker, I'm standing in strong support for HCR 148, SD1. Mr. Speaker, this Resolution came about by working in collaboration with the Senate, the Department of Health and the various stakeholders of the Health Information Exchange and Technology Group. This is a good compromise. We also wanted to note that we are currently working with the Department to write a Memorandum of Agreement with the same stakeholders, so that way the future of technology in healthcare will be moving forward as a public-private partnership. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 148, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DESIGNATE, AND ASSERTING THE LEGISLATURE'S ENDORSEMENT OF, THE HAWAII HEALTH INFORMATION EXCHANGE, INC. TO SERVE AS THE STATE'S QUALIFIED STATE-DESIGNATED ENTITY TO EFFECTIVELY COORDINATE HEALTH INFORMATION EXCHANGE TECHNOLOGY INITIATIVES TO ENSURE THAT HAWAII IS ABLE TO RAPIDLY RESPOND TO AND QUALIFY FOR GRANT FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR HEALTH CARE INFORMATION EXCHANGE TECHNOLOGY," was Adopted, with Representatives Bertram and Takai being excused.

**ANNOUNCEMENT**

Representative B. Oshiro: "Mr. Speaker, I wanted to take this opportunity to thank the public and everybody in the House of Representatives for participating in our annual Penny Wars fundraiser. This year, we were able to raise \$863.70. The winner of the contest was none other than our House Majority Staff Office, who had a total of 10,163 points, for a combined total of \$113.43. As a reward for their winnings, they will be getting a pizza party. We also created a newly fashioned Penny Wars title belt, kind of like the WWF ones, or the boxing ones. So that will be the trophy that will be carried on and passed on for years to come, if this continues.

"The second place runner-up was LRB, who had 8,768 points, for a total of \$88.83. Third place went to Rep. Denny Coffman's office, who was awarded 6,111 points, for a total of \$61.21. But, the office that had the most amount of money, with \$145.51, well, that was mine. But, unfortunately, that was due mostly to a bunch of silver coins and dollar bills. The irony of it all is, even though I had the most amount of money, we still lost.

"So, on behalf of the Hawaii Foodbank, I just wanted to thank everybody for participating for this worthy cause, and we look forward to, perhaps, next year's competition."

**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 10:00 o'clock a.m. tomorrow, Thursday, May 7, 2009. (Representatives Bertram and Takai were excused.)

**HOUSE COMMUNICATIONS**

House Communication dated May 6, 2009, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate on April 16, 2009, and gives notice of intent to agree to the following House bill:

H.B. No. 426, HD 1, SD 2

House Communication dated May 6, 2009, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 37, SD 1  
H.C.R. No. 51, HD 1  
H.C.R. No. 55, SD 1  
H.C.R. No. 60, SD 1  
H.C.R. No. 94, HD 1, SD 1  
H.C.R. No. 135, SD 1  
H.C.R. No. 148, SD 1