

TWENTY-SECOND DAY

Tuesday, February 24, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:05 o'clock p.m., with the Speaker presiding.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 24 through 33) were received and announced by the Clerk:

Sen. Com. No. 24, transmitting S.B. No. 34, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MORTGAGE RESCUE FRAUD PREVENTION ACT," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 25, transmitting S.B. No. 35, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 26, transmitting S.B. No. 55, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 27, transmitting S.B. No. 62, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 28, transmitting S.B. No. 639, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 29, transmitting S.B. No. 695, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 30, transmitting S.B. No. 714, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 31, transmitting S.B. No. 777, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 32, transmitting S.B. No. 823, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," which passed Third Reading in the Senate on February 23, 2009.

Sen. Com. No. 33, transmitting S.B. No. 878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF HEARING NOTICES," which passed Third Reading in the Senate on February 23, 2009.

On motion by Representative Evans seconded by Representative Pine and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representative Takai was excused.)

S.B. No. 34, SD 1	S.B. No. 695, SD 1
S.B. No. 35, SD 1	S.B. No. 714, SD 1
S.B. No. 55, SD 1	S.B. No. 777, SD 1
S.B. No. 62, SD 1	S.B. No. 823, SD 1
S.B. No. 639, SD 1	S.B. No. 878, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 58 and 59) were received by the Clerk and were placed on file:

Dept. Com. No. 58, dated February 20, 2009, from Marion Higa, State Auditor, transmitting the report, Procurement Audit of the Department of Education: Part 1.

Dept. Com. No. 59, dated February 20, 2009, from Marion Higa, State Auditor, transmitting the report, Procurement Audit of the Department of Education: Part 2.

INTRODUCTIONS

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

Representative Finnegan introduced 4th grade students from Moanalua Elementary School; their teachers, Ms. Doris Boushey, Ms. Bonnie Hamilton, Mr. Joseph Boll, Mr. Robb Taone; and chaperones, Ms. Debra Medeiros, Ms. Sheri Kajiwaru, Mrs. Zaharis, Mrs. Harntz and Mr. Chan.

Representative Awana introduced her niece, a student at Moanalua Elementary, Miss Victoria Kaahaaina.

ORDER OF THE DAY

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>
564	Committee on Finance
1809, HD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 66) was announced by the Clerk and the following action taken:

H.R. No. 66, entitled: "HOUSE RESOLUTION CONGRATULATING KAISER PERMANENTE HAWAII ON ITS 50TH ANNIVERSARY, KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN ON ITS 100TH ANNIVERSARY, AND QUEEN'S MEDICAL CENTER ON ITS 150TH ANNIVERSARY," was offered by Representative Yamane.

Representative Yamane moved that H.R. No. 66 be adopted, seconded by Representative Chong.

Representative Yamane commended and congratulated the Queen's Medical Center, the Kapiolani Medical Center, and Kaiser Permanente Hawaii on their anniversaries, and thanked them for their many years of service and providing healthcare to the people of Hawaii.

Representative Yamane then introduced the following honorees seated on the floor of the House and in the gallery:

Queen's Medical Center:
Mr. Arthur Ushijima, Chief Executive Officer; and

Mr. Mark Yamakawa, Chief Operating Officer.
Also in the gallery, Ms. Sharlene Tsuda, Vice President of Corporate Services; and Ms. Evie Black, a volunteer member of the Board of Trustees of the Queen's Health Systems.

Kapiolani Medical Center:

Ms. Martha Smith, Chief Operating Officer; and
Dr. Virginia Pressler, Executive Vice President of Hawaii Pacific Health.

Also in the gallery, Ms. Keala Peters, Director of Communications of Kapiolani Health Foundation.

Kaiser Permanente Hawaii:

Dr. James Griffith, Associate Medical Director
and Chief of Hospital Staff at Kaiser Moanalua Hospital; and
Ms. Susan Murray, Vice President of Quality Services
and Hospital Administrator.

Also in the gallery, Ms. Suzann Filleul, Chief Nurse Executive of Kaiser Permanente Hawaii; Mr. Frank Richardson, Vice President of Legal and Government Relations and Regional Counsel; and Ms. Phyllis Dendle, Director of Government Relations.

Representatives McKelvey, Ching, Berg and Ward further congratulated Queen's Medical Center, Kapiolani Medical Center, and Kaiser Permanente Hawaii and thanked them for their service to the community.

The motion was put to vote by the Chair and carried, and H.R. No. 66 was adopted with Representative Takai being excused.

At 12:24 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 1639, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1639, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 254, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 349, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 349, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. Just really briefly. I'm rising with reservations. This bill allows your prior bad acts, or your propensity, to be entered in a criminal case. I just want to say that just because you're a punk, that doesn't mean you're going to beat up people. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 349, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 539, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 539, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At this time, the Chair announced:

"For Stand. Com. Rep. No. 627, that will be deferred one legislative day."

By unanimous consent, action on Stand. Com. Rep. No. 627 and H.B. No. 539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," was deferred one legislative day.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 1475, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1475, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 595, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 595, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takai being excused.

INTRODUCTION OF RESOLUTIONS

The following concurrent resolution (H.C.R. No. 85) was announced by the Clerk and the following action taken:

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION CELEBRATING THE 50TH ANNIVERSARY OF HAWAII'S ADMISSION INTO THE UNION OF THE UNITED STATES AS THE 50TH STATE," was offered by Representative Say.

Representative B. Oshiro moved for the adoption of H.C.R. No. 85, seconded by Representative Evans.

At this time, Representative B. Oshiro moved to amend H.C.R. No. 85 by amending page 4, line 27, by changing the word 'Senate' to read 'House', seconded by Representative Evans.

Floor Amendment No. 2:

"SECTION 1. House Concurrent Resolution No. 85 is amended by amending lines 26 and 27 on page 4 to read:

"BE IT FURTHER RESOLVED that the two houses of the Legislature assemble in Joint Session in the Chamber of the House at 12:00 p.m., on Wednesday, March 18, 2009, to mark the anniversary of the federal law that officially offered statehood to the people of Hawaii.""

The Chair then addressed the body, stating:

"This is a technical amendment in regards to holding this particular Joint Session here in the House Chamber."

At 12:35 o'clock p.m. Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

The motion was put to vote by the Chair and carried, and Floor Amendment No. 2, amending H.C.R. No. 85, was adopted with Representative Takai being excused.

At 12:36 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

(Main Motion)

At this time, the Chair announced:

"The Chair apologizes, Members of the House. The motion that we just addressed was to adopt the amendment which was changing the word, 'Senate' to the word, 'House.' We are correcting it because the event will be held here in the House.

"At this point, we have the main motion before us which is the adoption of this House Concurrent Resolution No. 85, as amended in House Draft 1."

The motion was put to vote by the Chair and carried, and H.C.R. No. 85, HD 1, was adopted with Representative Takai being excused.

By unanimous consent, the following concurrent resolution (H.C.R. No. 84) was referred to Printing and further action was deferred:

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION AND THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONVENE JOINT INFORMATIONAL BRIEFINGS TO DETERMINE WHETHER THE SALE OF THE INCUMBENT LOCAL EXCHANGE CARRIER BY VERIZON HAWAII, INC. WAS IN THE PUBLIC INTEREST AND THE FEASIBILITY OF THE PUBLIC UTILITIES COMMISSION ACQUIRING THE INCUMBENT LOCAL EXCHANGE CARRIER AND OPERATING IT AS A COOPERATIVE VENTURE," was jointly offered by Representatives Herkes, Awana, Bertram, Brower, Evans, Hanohano, Ito, Karamatsu, M. Lee, Luke, Magaoay, Mizuno, Morita, Pine, Tokioka, Yamane, Yamashita, Aquino, Belatti, Cabanilla, Chang, Ching, Chong, Choy, Coffman, Finnegan, Har, Keith-Agaran, C. Lee, Manahan, Nakashima, Nishimoto, B. Oshiro, Rhoads, Saiki, Souki, Takumi, Tsuji, Wakai, Ward and Wooley.

Representative Manahan: "Mr. Speaker, at the appropriate time, I would like to request a moment of silence for Specialist Cwislyn Walter, who recently passed away while deployed to Kuwait.

"She was 19 years-old, and just a recent graduate from Farrington High School. Unfortunately, she and a few friends were en route from one camp to another camp, and they met an unfortunate car accident. She passed away while in service, and so, at the appropriate time, maybe we could have a moment of silence, please. Thank you."

Representative M. Oshiro, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making on the following measures, stating:

"HB No. 1175, Relating to Taxation. This is the Governor's proposal for a cigarette tax increase.

HB No. 1184, Relating to State Government. This is the Governor's proposal, tied to potential funding for Hawaii, from the American Recovery and Reinvestment Act of 2009.

HB No. 1185, Relating to Transient Accommodations Tax. This is a proposal to use TAT money for debt service, for the Renaissance Parks Program.

"The Finance Committee will have decision-making only on these short-form bills, which will be subsequently recommitted to the Finance Committee, this afternoon at 1:00 p.m., in Room 308. Thank you, Mr. Speaker," and the Chair "so ordered."

At this time, the House of Representatives stood for a moment of silence in honor of the late SPC Cwislyn Walter.

ADJOURNMENT

At 12:40 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, Wednesday, February 25, 2009. (Representative Takai was excused.)

ANNOUNCEMENTS