

THIRTY-SECOND DAY

Thursday, March 19, 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 Vice Speaker Magaoay presiding.

The invocation was delivered by Reverend Sky St. John of Unity Church, after which the Roll was called showing all Members present with the exception of Representatives M. Oshiro, Takai and Thielen, who were excused.

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

INTRODUCTIONS

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

Representative Mizuno introduced participants in the 10th Annual Hawaii State Council on Developmental Disabilities Day at the Capitol program, including Executive Director, Ms. Waynette Cabral and her staff.

Representative McKelvey introduced Ms. Caren Pantezzi, disabilities advocate with the Hawaii Families as Allies on Maui.

Representative Rhoads introduced Mr. Fetu Kolio of the Kalihi-Palama Neighborhood Board.

Representative Yamane introduced advocates, volunteers and staff of the American Cancer Society of Hawaii Pacific promoting March as National Colorectal Cancer Awareness Month, and Mr. James 'Dick' Bunker, life member of the Society's Board of Directors.

Representative Marumoto introduced 5th grade students of Wilson Elementary School. They were accompanied by their teachers, Ms. Wendy Machida and Ms. Sarah Sugimoto; and parents, Ms. Adele Choy and Ms. Patti Izon.

Representative Nakashima introduced participants involved with the Honoka'a High School Relay for Life: Ms. Angela Brandt, Honoka'a High School Student Activities Coordinator; Ms. Danica Tamaye, forestry student from Oregon; and Ms. Lyla Mah, nursing student from Humboldt State University.

Representative Evans introduced Mr. Curtis Tyler, former Hawaii County Councilman.

Representative Tokioka, on behalf of the Kauai delegation, introduced Ms. Ellen Ching and Ms. Christina Pilkington of Kauai.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
701, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1083, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance
1113, SD1	Committee on Water, Land, & Ocean Resources

1125, Committee on Labor & Public Employment, then to the
SD2 Committee on Finance

1152 Jointly to the Committee on Agriculture and the Committee on
Water, Land, & Ocean Resources, then to the Committee on
Judiciary

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 285) was announced by the Clerk and the following action taken:

H.R. No. 285, entitled: "HOUSE RESOLUTION CONGRATULATING REYNALDO D. GRAULTY ON THE OCCASION OF HIS RETIREMENT," was offered by Representative Wakai.

Representative Wakai moved that H.R. No. 285 be adopted, seconded by Representative Brower.

Representative Wakai commended and thanked the Honorable Reynaldo D. Gaulty for his many years of service as a member of the House of Representatives and the Senate, as the State Insurance Commissioner, and as a Circuit Court Judge, and congratulated him on his retirement.

Representative Brower then introduced Mr. Gaulty's wife, Mrs. Gigi Gaulty who was seated with him on the Floor of the House; and recognized the many friends and family seated in the gallery:

Daughters, Ms. Erinn and Ms. Stephanie Gaulty;
Granddaughter, Bailee; and grandson Maddox;
Judge Gaulty's staff members, Mr. Mark Chun Ming, Ms. Peggy Uehara, and Ms. Pat Yamashita;
Friend, Circuit Court Judge Michael Wilson; and
Former Insurance Commission and legislative staff members.

Representative Har also congratulated Mr. Gaulty on his retirement, and thanked him for his words of encouragement.

Representative Cabanilla thanked Mr. Gaulty for his service to Hawaii and thanked him for being an icon in the Filipino community.

Representative Yamane applauded both Mr. and Mrs. Gaulty for their many years of serving the people of Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 285 was adopted with Representatives Luke, M. Oshiro, Saiki, Takai and Thielen were excused.

The following resolution (H.R. No. 286) was announced by the Clerk and the following action taken:

H.R. No. 286, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE U.S. SMALL BUSINESS ADMINISTRATION'S DEDICATION TO THE SMALL BUSINESS COMMUNITY," was offered by Representative Choy.

Representative Choy moved that H.R. No. 286 be adopted, seconded by Representative McKelvey.

Representatives Choy and McKelvey introduced the U.S. Small Business Administration 2009 Awardees for Hawaii who were seated on the Floor of the House:

Mr. Michael Fairall, Owner and Principal of Mokulua Woodworking, Ltd., the 2009 Young Entrepreneur of the Year;

Mr. Richard Xie, President of Hawaiian Sealife Inc., the 2009 Small Exporter of the Year;

Ms. Jayne Kim and Ms. June Arakawa, along with husbands, Mr. Jay Kim and Mr. Shuichi Arakawa, owners of Eki Cyclery, the 2009 Family-Owned Small Business of the Year;

Ms. Naomi Hazelton Giambrone, founder of Pacific Edge Magazine, the 2009 Small Business Journalist of the Year;

Ms. Judy Arayanado, Work & Family Life coordinator for the Pearl Harbor Fleet & Family Support Center, the 2009 Veteran's Business Champion of the Year;

Mr. Timothy Moore, along with partners Mr. Michael Moore and Mr. Robert Aguiar of Old Lahaina Luau & Aloha Mixed Plate, the 2009 Entrepreneurial Success of the Year;

Ms. Melissa Pavlicek, founder and President of the Hawaii Public Policy Advocates, the 2009 Women in Business Champion of the Year;

Ms. Jean Jeremiah of the SCORE Association, the 2009 Financial Services Champion of the Year;

Ms. Barbara Haliniak, founder of Business Depot Inc., and Chair of the Molokai Chamber of Commerce, the 2009 Minority Small Business Champion of the Year;

Ms. Agnes Reyes, President of Case Management Professionals, Inc., the 2009 Home-Based Business Champion of the Year; and

Mr. Vaughn Vasconcellos, President and Chief Executive Officer of Akimeka LLC, the 2009 Small Business Person of the Year. Mr. Vasconcellos was represented by Mr. Phil Kahue of Akimeka LLC.

Representative McKelvey then recognized the many friends and family who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 286 was adopted with Representatives Ching, Luke, Saiki, Takai and Thielen being excused.

At 12:40 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1005) recommending that S.B. No. 1142, SD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1142, SD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations, and I will reserve my comments for later."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1142, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1006) recommending that S.B. No. 930, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 930, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of S.B. 930 - Relating to Volunteer Medical Assistance Services. I am currently concerned that the lack of coverage for professional liability may mean that valuable healthcare workers will not participate as State volunteers. This measure would provide immunity from liability and coverage of medical expenses for licensed medical personnel providing volunteer services in non-emergency situations, such as school-based immunization clinics, on behalf of the State or a county.

"The University of Hawaii states in their testimony that "The University of Hawaii Manoa supports the intent of S.B. 930, which provides protections to healthcare workers volunteering emergency services that are consistent with Good Samaritan practices elsewhere, provided it does not adversely affect our UH priorities as set in our budget request, most notably in health and safety repairs and maintenance issues. Addressing these urgent needs is critical to our ability to perform our core mission for the State of Hawaii." And "We believe S.B. 930 will protect those healthcare workers who come to the aid of their community in times of crises anywhere in Hawaii. The bill also strikes a balance with patients rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct." Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1007) recommending that S.B. No. 777, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 777, SD 1, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to S.B. 777 - Relating to Comprehensive Sexuality Health Education. I believe that this bill is

unnecessary because the current sexual education curricula being taught by the State is accurate and appropriate. The Department of Health states in their testimony that "Information currently provided by State-funded DOH programs regarding sexual health education, family planning, pregnancy counseling, and sexually transmitted diseases, including Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, is medically accurate, based on scientific fact, and is age appropriate. This bill is unnecessary because as part of the contracting process, program materials are reviewed by DOH on a regular basis, and inaccurate information would be corrected at this time."

"The Hawaii Family Forum, which is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, states "S.B.777 is an unnecessarily punitive measure, which will de-fund successful local abstinence programs for Hawaii's youth." I agree with the Hawaii Family Forum and would like to see the continuation of such programs as "Try Wait." Catholic Charities Hawaii has operated this successful federally funded abstinence program, which is a medically accurate abstinence-only program. Thank you."

Representative M. Lee rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, although I supported the original version of this bill I have to vote with reservations on the HD1. I have to vote with reservations because the purpose of this bill was changed from requiring "any recipient of state funding that provides sexuality health education to provide medically accurate, factual, and comprehensive information that is age appropriate and includes education on abstinence and contraception," to requiring "any recipient of state funding specifically for sexuality health education programs to provide medically accurate, factual, and comprehensive information that is age appropriate and includes education on abstinence and contraception."

"Mr. Speaker this change does not accomplish the goal that this bill set out to accomplish. It still allows funding to programs that do not provide comprehensive sexuality education to our children and does not change the current status quo. For this reason Mr. Speaker, I am voting with reservations on SB777 SD1 HD1."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 777, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Ching and Finnegan voting no, and with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1008) recommending that S.B. No. 809, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 809, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1009) recommending that S.B. No. 1668, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1668, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1010) recommending that S.B. No. 108, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 108, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1011) recommending that S.B. No. 535, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 535, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1012) recommending that S.B. No. 843, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 843, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1013) recommending that S.B. No. 912, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 912, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1014) recommending that S.B. No. 109, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 109, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR JUVENILES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1015) recommending that S.B. No. 851, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 851, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1016) recommending that S.B. No. 504, SD 2, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 504, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1017) recommending that S.B. No. 713, SD 2, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 713, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Higher Education with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1018) recommending that S.B. No. 942, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 942, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1019) recommending that S.B. No. 1046, SD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1046, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PROFESSIONAL EDUCATION," passed Second Reading and was referred to the Committee on Health with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1020) recommending that H.R. No. 46, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 46, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION TO UNDERTAKE EFFORTS TO INTEGRATE ADDITIONAL INTERNATIONAL AFFAIRS AND GLOBAL EDUCATION COURSEWORK INTO ITS CURRICULUM," was referred to the Committee on Tourism, Culture, & International Affairs with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1021), recommending that H.C.R. No. 58, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 58, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION TO UNDERTAKE EFFORTS TO INTEGRATE ADDITIONAL INTERNATIONAL AFFAIRS AND GLOBAL EDUCATION COURSEWORK INTO ITS CURRICULUM," was referred to the Committee on Tourism, Culture, & International Affairs with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 1022), recommending that H.C.R. No. 92, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, SHERIFF DIVISION, AND TO REPORT ON THE SUITABILITY OF THE ADMINISTRATIVE ORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY AND SHERIFF DIVISION," was referred to the Committee on Legislative Management with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate bill for Third Reading by consent calendar. (Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen were excused.)

THIRD READING

S.B. No. 412:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 412, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 44 ayes, with Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen being excused.

At 12:59 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 412

ADJOURNMENT

At 12:59 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, Friday, March 20, 2009. (Representatives Chang, Luke, Mizuno, Saiki, Souki, Takai and Thielen were excused.)