

## FIFTY-FIFTH DAY

**Tuesday, April 28, 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 Vice Speaker Magaoy presiding.

The invocation was delivered by Representative Lyla B. Berg, 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 Fifty-Fourth 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 27, 2009, the following bill was signed into law:

S.B. No. 856, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION." (ACT 019)

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 735 through 756) were received and announced by the Clerk, and were placed on file:

Sen. Com. No. 735, dated April 27, 2009, informing the House that the following bills have this day passed Final Reading in the Senate:

H.B. No. 1739, HD 1, SD 1, CD 1  
S.B. No. 603, SD 1, HD 1, CD 1

Sen. Com. No. 736, dated April 27, 2009, informing the House that the Senate has on April 24, 2009, agreed to the amendments proposed by the House to the following Senate Concurrent Resolution, and that said resolution was this day adopted by the Senate:

S.C.R. No. 72, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAII."

Sen. Com. No. 737, transmitting H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO INCLUDE THE KUKUI GARDENS AFFORDABLE HOUSING PROJECT IN THE STATE'S LIST OF SHOVEL-READY PROJECTS FOR THE PRESIDENT'S PROPOSED ECONOMIC STIMULUS PLAN," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 738, transmitting H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HOOKAKOO CORPORATION REPORT ON THE PROGRESS AND IMPACTS OF THE MODELS FOR EXPANDED LEARNING TIME BEING PILOTTED BY THE HOOKAKOO CORPORATION'S PARTNER CONVERSION CHARTER SCHOOLS," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 739, transmitting H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE AUDITOR STUDY THE FEASIBILITY OF REMOVING AMATEUR BOXING FROM THE JURISDICTION OF THE STATE BOXING COMMISSION OF HAWAII," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 740, transmitting H.C.R. No. 282, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INCREASE THE MINIMUM RENT SCHEDULE," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 741, transmitting H.C.R. No. 35, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE A PROPOSED MEASURE TO REGULATE HOME CARE AGENCIES BY THE DEPARTMENT OF HEALTH," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 742, transmitting H.C.R. No. 37, S.D. 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," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 743, transmitting H.C.R. No. 51, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCREASE EDUCATIONAL EFFORTS TO PREVENT AND ERADICATE CERVICAL CANCER," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 744, transmitting H.C.R. No. 55, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO INCREASE REIMBURSEMENT TO HAWAII PROVIDERS," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 745, transmitting H.C.R. No. 60, S.D. 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," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 746, transmitting H.C.R. No. 76, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH A TASK FORCE ON REINVENTING GOVERNMENT TO EXAMINE THE CURRENT OPERATIONS AND ORGANIZATION OF STATE GOVERNMENT AND MAKE RECOMMENDATIONS ON MAKING STATE GOVERNMENT MORE EFFICIENT," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 747, transmitting H.C.R. No. 94, H.D. 1, S.D. 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," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 748, transmitting H.C.R. No. 97, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE EFFECTS OF REGULATING RESPIRATORY CARE PRACTITIONERS," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 749, transmitting H.C.R. No. 135, S.D. 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," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 750, transmitting H.C.R. No. 148, S.D. 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," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 751, transmitting H.C.R. No. 157, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PUBLIC AND PRIVATE AGENCIES TO ENCOURAGE THEIR PARENT CLIENTS TO TURN ON CLOSED CAPTIONING WHEN THEIR CHILDREN WATCH TELEVISION," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 752, transmitting H.C.R. No. 215, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND ASSESS THE POLICIES AND PROCEDURES IMPLEMENTED BY HOSPITALS TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 753, transmitting H.C.R. No. 246, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A TASK FORCE TO DEVELOP A POLICY TO ADDRESS TEEN DATING VIOLENCE AND ABUSE," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 754, transmitting H.C.R. No. 266, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO CONSIDER ADOPTING GRAY WATER PROVISIONS OF THE UNIFORM PLUMBING CODE AND REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO AUTHORIZE GRAY WATER RECYCLING SYSTEMS FOR RESIDENTIAL PREMISES UNDER APPROPRIATE CIRCUMSTANCES," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 755, transmitting H.C.R. No. 298, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT, SENATE, AND HOUSE OF REPRESENTATIVES TO ENACT LEGISLATION TO EXPEDITE IMMIGRANT VISAS FOR FAMILY REUNIFICATION OF CERTAIN FILIPINO VETERANS OF WORLD WAR II," which was adopted by the Senate on April 27, 2009.

Sen. Com. No. 756, dated April 27, 2009, informing the House that the President has this day appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 636, Hee, Chair; Kim, Co-Chair; Fukunaga, Kokubun,  
SD1, HD2 Hemmings

### INTRODUCTION

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

Representative Pine introduced Mr. Joshua Culling of the National Taxpayers Union in Washington D.C.; and Mr. Dick Roland of the Grassroots Institute.

### ORDER OF THE DAY

At this time, the Chair stated:

"Members, please note that House Resolution No. 263 has been referred solely to the Committee on Transportation per Committee Referral Sheet No. 69. The Committee on Water, Land, & Ocean Resources waived its referral to this measure, and therefore it is appropriate for the House to consider action for Adoption of said measure."

### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 263. (Representatives M. Oshiro and Takai were excused.)

### RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1363, recommending referral to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans. (Representatives M. Oshiro and Takai were excused.)

### UNFINISHED BUSINESS

#### H.R. No. 263:

Representative B. Oshiro moved that H.R. No. 263, be adopted, seconded by Representative Evans.

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

"Yes, I'd like to speak in favor of this Resolution. This Resolution requests the Oahu Metropolitan Planning Organization and the City and County of Honolulu to develop a planning template for ensuring sufficient regional highway and roadway development to meet the needs of emerging residential communities in the Ewa Development Plan and the Waianae Sustainable Communities Plan.

"I want to speak in strong support of this, Mr. Speaker, because for many years, the residents of the Ewa Plain have witnessed unusual volumes of traffic in their communities, because plans like this were not developed that put the roads first before the homes were built. I think this is a great first step to ensuring that the rest of the communities that are going to be built in this area do not suffer the same consequences that we have. Thank you."

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

"Mr. Speaker, I rise in very strong support of this measure, and I would like to thank the Vice-Chair of OMPO, my colleague here in the House for drafting this measure for us; for myself and Representative Pine. I would like to add that although this Body had appropriated some money to relieve the traffic congestion in our area, like the Fort Weaver widening and the North-South Road, because there is so much development coming into that area, we could not have imagined how we can negate or balance the transportation needs of our communities.

"There have been so many building permits that have been granted before, and there's more to come. So, I think that in the next Legislative Session, we really need to look at more funding for highways and connectivity in the Ewa region. And I would like to insert more language in the Journal on this matter. Thank you."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I stand in support of HR 263 Relating to the Ewa Development Plan.

"The purpose of this Resolution is to request the Oahu Metropolitan Planning Organization and the City and County of Honolulu Department of Planning and Permitting to develop a planning template for ensuring sufficient regional highway and roadway development to meet the needs of emerging residential communities in the Ewa development plan and the Waianae sustainable communities plan.

"I support the intent and purpose of HR 263, but it does not go far enough. I prefer the language of HB 1693 that I introduced as it is far more comprehensive and covers a litany of other issues besides transportation.

"Ewa's Role in the Oahu Development Pattern needs to be carefully examined and revisited. The Ewa General Plan as it stands today is unacceptable. The original plan in the early '70s which clearly stated that if the Leeward coast is to become a Secondary Urban Center, there has to be an underwater tunnel that will connect the mobility of residents between the two urban centers.

"This vision was abandoned and here we are today with traffic congestion. This congestion will continually get worse. The Oahu Metropolitan Planning Organization prediction with the State's no-build plan between the Leeward coast and Downtown Honolulu, travel time will be around 2.5 hours. In spite of these facts, building permits continue to be issued to developers.

"I suggest building another freeway to and from town before anymore development.

"The Vision for Ewa's future. Even with the creation of local employment within the region, data will show that only 30% of new residents will get employment within the region. The major employers with better paying jobs will remain at Pearl Harbor, Fort Shafter, the financial center of Honolulu, the Airport and Waikiki, necessitating commute to town.

"In addition, my bill, HB 1693 addresses other issues as well. For example:

#### "PROTECTION OF OPEN SPACES.

"To have Ewa as we know it today, we must preserve open spaces. We must preserve agricultural lands, and we will also preserve the fauna and flora that is endemic in the area, for example the Hawaiian Poews.

"Beach access is becoming harder and harder for locals. Parking access to these marinas is very limited and the parking area is far from the ocean. Minimizing parking is one way to control access.

"Access to the beach area of Ko 'Olina is subliminally made inaccessible due to limited parking and the inability to remedy parking outside of the parking area and an intimidating guard shack at the entrance of the property.

"The parking area at the Ocean Pointe marina is also very limited. Some State land is adjacent to the marina which can be explored for use as future additional parking space.

#### "TRANSPORTATION INFRASTRUCTURE.

"Traffic impact analysis requested or provided for new developments must include all past, present, and future developments in its entirety in the region as opposed to just considering one project at a time.

"Current traffic congestion in the H-1 corridor from Ewa to Honolulu is at grade level F. Careful consideration to at this horrendous condition must be applied since adding more homes to this region will adversely worsen the current condition. Developers ask for traffic studies of their own projects independent of other developers or development in the region. These types of impact studies considering one project at a time will not reflect the true severity of current conditions in the region. The only traffic

congestion mitigation measure in sight is the Ewa bound zipper lane with predicted completion date of 2009.

"The rail is scheduled to come on line on year 2016, but with the current economic downturn, it is expected that completion date of both projects will be much delayed. These piecemeal studies favor only the particular development filling the application, but contain great inaccuracies. Furthering this grave situation impacts the quality of life in the region deeper.

#### "ADEQUATE PLANNING FOR MASS TRANSIT.

"The area developments must have adequate thoroughfares from one subdivision to another to insure that mass transit, and buses allow pedestrian access to these service areas. We must also promote the use of pedestrians' bike lanes, bike racks and small quiet vehicles running along Fort Weaver.

#### "PRESERVATION OF IMPORTANT AGRICULTURAL LANDS.

"Important agricultural lands must be identified and preserved as agricultural lands. Such lands are located, but are not limited to: the land *mauka* of Farrington Highway, from Kunia Road to Fort Barrett Road.

#### "PRESERVATION OF OPEN SPACES, PARKS, GREEN BELTS AND RECREATION AREAS.

"Adequate open spaces and views and vistas will be preserved to retain the open feeling of the Ewa Plains.

"There should be the creation of "dog parks" and "graffiti parks." Graffiti is such a problem in the entire Ewa Plains especially in Waipahu. Violators feel the need to express themselves or enhance their God given talent which results in the defacement of our neighborhoods. By giving them the place to tag lessens the impact and the expense it brings to our community.

"Dog Parks brings completeness to a well-planned community. Having pets is an innate need to some of our community members that its presence will add value to our neighborhoods.

"Ewa Beach is the home of Little League World Champions. Their winning brought Ewa Beach to the world. They became a source of pride and encouragement to parents for their children's participation. Resultant to that now is the need for more park space. We must add more parks and park acreage to our community.

#### "PRESERVATION OF ENDANGERED SPECIES.

"We preserve and protect endangered species such as the *Pueo* or Hawaiian Owl. The Ewa plains are the breeding and hunting place for the Hawaiian *Pueo*. Cementing the area will definitely drive these birds to extinction. Acreage must be set aside for them.

#### "PRESERVATION AND ENHANCEMENT OF HISTORIC AND CULTURAL RESOURCES.

"Ewa's historic and cultural resources will be preserved and enhanced by preserving historic features from the plantation era and earlier periods including: the Ewa Manager's Mansion which should be willed or leased to the Ewa Historical Society. Other historical sites are: Verona Villages, Renton Village, Tenny Village, Lincoln Village, and the Ewa Mill.

"The metal structures can be cleaned, preserved and stored for future rebuilding of structures. The area it stands on needs to be capped and cemented over so the structure can be rebuilt on top of the concrete. This landmark needs to be re-constructed at the current site and entered for historical protection with the State and federal governments.

"These communities can be developed, but not at the expense of agricultural lands. Renton Road needs to be included as a historical corridor in historic Ewa Villages. Design and architecture of current and future buildings must conform with the overall design of the villages during the plantation Era."

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

"Thank you very much, Mr. Speaker. In strong support. And although this has to do with a particular region of the island, I stand in support because I think this is a powerful message for all municipalities to do their due diligence and to avoid the '6P rule' that seems to be the common standard, which is that poor proper planning leads to piss poor performance. Thank you very much."

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

Representative Awana's written remarks are as follows:

"Our responsibility as legislators is to ensure that the health, safety and quality of life of the citizens of our state – and our children – are protected and nurtured.

"Areas are being developed – houses are going up – without the building of the regional roads and highways that interconnect the homes to hospitals, schools, and employment.

"Today, these home constructions are occurring – with many more planned for the Leeward area of Ewa and Kapolei – with the traffic congestion causing blockage of traffic to Ewa, Kapolei, but also to Nanakuli and the whole Waianae Coast.

"I ask my colleagues to agree that the planning bodies direct the use of a traffic template to establish regional roadway construction before the construction of homes.

"I point out that although this is occurring in the Leeward area now, other islands and other parts of Central Oahu could also face this need for intelligent traffic planning.

"I ask that you support this Resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 263, entitled: "HOUSE RESOLUTION REQUESTING THAT THE OAHU METROPOLITAN PLANNING ORGANIZATION AND THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PLANNING AND PERMITTING DEVELOP A PLANNING TEMPLATE FOR ENSURING SUFFICIENT REGIONAL HIGHWAY AND ROADWAY DEVELOPMENT TO MEET THE NEEDS OF EMERGING RESIDENTIAL COMMUNITIES IN THE EWA DEVELOPMENT PLAN AND THE WAIANAE SUSTAINABLE COMMUNITIES PLAN," was adopted, with Representative Takai being excused.

#### STANDING COMMITTEE REPORTS

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1897) recommending that S.C.R. No. 90, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 90, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE SPECIFIED PROPOSED RULE AMENDMENTS FOR THE DEVELOPMENTAL DISABILITIES PROGRAM, 73 FED. REG. 19,708 (APRIL 10, 2008)(TO BE CODIFIED AT 45 C.F.R. PT. 1385-88) THAT IMPLEMENT THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000, AND TO SUPPORT NEW SECTIONS IN THE UPCOMING REAUTHORIZATION," was adopted, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1898) recommending that S.C.R. No. 105, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 105, SD 1, entitled: "SENATE CONCURRENT RESOLUTION

URGING PUBLIC AND PRIVATE AGENCIES TO ENCOURAGE THEIR PARENT CLIENTS TO TURN ON CLOSED CAPTIONING WHEN THEIR CHILDREN WATCH TELEVISION," was adopted, with Representative Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1899) recommending that S.C.R. No. 78, SD 1, be adopted.

Representative B. Oshiro moved that S.C.R. No. 78, SD 1, be adopted, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to request a ruling on a possible conflict on Standing Committee Report 1899. I provided legal advice to the Napili Kai Condominium regarding shoreline issues, although I have not represented them with regard to their current applications," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP KEY: (2) 4-3-2: 27, AT KAA NAPALI, MAUI, FOR CONCRETE PIER BLOCK REMNANTS PURPOSES," was adopted, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1900), recommending that S.C.R. No. 143, SD 1, 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.C.R. No. 143, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AFFIRMING SUPPORT FOR THE CONCEPT OF ESTABLISHING A BIG ISLAND JUVENILE INTAKE AND ASSESSMENT CENTER," was referred to the Committee on Finance, with Representative Takai being excused.

#### CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Reports Numbers 6 through 9 and 54 through 58 as listed on pages 3 and 4."

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1422, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 6) recommending that H.B. No. 1422, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and H.B. No. 1422, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred for a period of 48 hours.

Representatives Chang and C. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1057, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 7) recommending that H.B. No. 1057, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and H.B. No. 1057, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII COLLEGE SAVINGS PROGRAM," was deferred for a period of 48 hours.

Representatives Mizuno and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 876, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 8) recommending that H.B. No. 876, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and H.B. No. 876, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Representative McKelvey, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 632, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 9) recommending that H.B. No. 632, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and H.B. No. 632, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY ADVISORY BOARD ON VETERANS' SERVICES," was deferred for a period of 48 hours.

Representatives Morita, McKelvey and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1065, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 54) recommending that S.B. No. 1065, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and S.B. No. 1065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 281, HD 1, presented a report (Conf. Com. Rep. No. 55) recommending that S.B. No. 281, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and S.B. No. 281, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 711, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 56) recommending that S.B. No. 711, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and S.B. No. 711, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 659, HD 1, presented a report (Conf. Com. Rep. No. 57) recommending that S.B. No. 659, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and S.B. No. 659, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 971, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 58)

recommending that S.B. No. 971, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and S.B. No. 971, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain House bill for Final Reading by consent calendar. (Representative Takai was excused.)

### FINAL READING

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

H.B. No. 1101, HD 1, (SD 1)

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 bill. (Representative Takai was excused.)

The Chair addressed the Clerk who announced that the record of votes for said measure had been received, and that the requisite number of House Conferees appointed have agreed to the amendments made by the Senate and have cast affirmative votes to report said measure to the Floor for Final Disposition.

### H.B. No. 1101, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1101, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Mizuno, Karamatsu and Ward). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1101, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES," passed Final Reading by a vote of 50 ayes, with Representative Takai being excused.

At 12:18 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1101, HD 1, SD 1

### 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 certain House bills. (Representative Takai was 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 bills, seconded by Representative Evans.

H.B. No. 591, HD 1, (SD 2)  
H.B. No. 1061, 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 bills. (Representative Takai was excused.)

### ANNOUNCEMENTS

Representative Choy: "Yes, Mr. Speaker. I'd just like to remind the Members that we have our end-of-session House celebration at the Pearl Ultra Lounge. The deadline for purchasing tickets is coming up rapidly. It's on Thursday, April 30th. I left a brochure on everybody's desk, and on the back of the brochure, we're soliciting any kind of door prizes that you can make. I would really appreciate that. Thank you, Mr. Speaker."

Representative Evans: "Mr. Speaker, I'd like to say a few words. Today is Pay Equity Day. Thank you. Pay Equity Day marks the days between January 1st, where a woman has to work to equal her male coworkers' pay. Hawaii woman's earning power ranks 30th out of the 50 states, earning 77 cents for every dollar her male counterpart earns in the workforce, according to an American Association of University Woman's Educational Foundation Report.

"Mr. Speaker, I'd also like to submit some remarks to the Journal, but in closing, I'd like to say that there's a terminology around this idea of pay equity, and it's called the 'pink paycheck.' I just want my colleagues to know that the 'pink paycheck' is really trying to bring to our attention that there truly is a difference between male and female paychecks for equal work. I want to thank my colleagues for keeping this in their mind. Thank you."

Representative Evans submitted the following:

"With the current economic downturn beginning in 2008, the disparity of pay not only affects the economic power of women who struggle to take care of their families as well as themselves today, but, it can also reduce retirement and social security income that could mean the loss of \$1 million or more over one woman's lifespan.

"I acknowledge Equal Pay for Equal Work has been a roller coaster ride. Women sued over "comparable worth" after the passage of Title VII of the 1964 Civil Rights Act recognized jobs with comparable skills should be paid similar wages even if one job is dominated by women and another by men. By 1990, the courts had all but closed the door to women's complaints of discrimination by sex segregation.

"In his first bill signing, President Barack Obama signed the Lily Ledbetter Fair Pay Act into law on January 29th of this year. The Act restores the long-standing interpretation of civil rights laws and EEOC policies that allow employees to challenge any discriminatory paycheck they receive. It is named for a woman who worked for nearly two decades at the Goodyear Tire and Rubber Company in Alabama. Despite receiving top performance awards, Lily Ledbetter discovered that she had been paid significantly less than male co-workers with the same job. After retiring in November, 1998, she filed suit under Title VII of the Civil Rights Act of 1964 and was awarded back pay and other remedies in a jury trial. A 2007 Supreme Court 5 to 4 decision not only erased her award, but also left women, minorities, and others virtually no recourse to pay discrimination. The Act restores the remedy to achieve fairness and economic balance for women and their families.

"This is an important first step...but, there is more to be done.

"Currently before the United States Senate is the Paycheck Fairness Act (S.182), a comprehensive bill that updates the Equal Pay Act of 1963 by taking meaningful steps to create stronger incentives for employers to follow the law, empower women to negotiate for equal pay, and strengthen federal outreach and enforcement efforts. Passing this legislation, already approved by the House in January, is the next logical step following the recent enactment of the Lilly Ledbetter Fair Pay Act, which restored the

ability of working women to have their day in court to combat wage discrimination. The Lily Ledbetter Fair Pay Act is the nail, but we need the Paycheck Fairness Act to be the hammer to make sure the job gets done.

"Pay Equity, it's about time! To all of you who believe closing the wage gap is inevitable. I respectfully disagree. Only with both women and men pressuring their bosses to make women's pay fair will it happen. Only with bringing attention to this matter and educating those entering the workforce on negotiating salaries will it happen.

"In closing, I thank all of those employers and executives who understand equal pay for equal work and who have created a culture at the office which allows equal opportunity and equal recognition for a job well done."

### ADJOURNMENT

At 12:22 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, April 29, 2009. (Representatives Chang and Takai were excused.)

### HOUSE COMMUNICATIONS

House Communication dated April 28, 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 this day appointed as Conferees on the part of the House, for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 532, Karamatsu, Chr.;  
SD1, HD1 Ito, Souki, Thielen

House Communication dated April 28, 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. 591, HD 1, SD 2

House Communication dated April 28, 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 7, 2009, and gives notice of intent to agree to the following House bill:

H.B. No. 1061, HD 1, SD 1

House Communication dated April 28, 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 this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 1101, HD 1, SD 1