

FORTY-FOURTH DAY

Wednesday, April 6, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Keith-Agaran, M. Lee and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 774) was received and announced by the Clerk:

Gov. Msg. No. 774, dated April 1, 2011, appointing Derek S.K. Kawakami to the 14th House District with a term expiring November 6, 2012.

The Speaker appointed the Sergeant-at-Arms to escort Mr. Derek S.K. Kawakami, and the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum.

The Speaker then appointed the Assistant Sergeant-at-Arms to escort Mr. Kawakami's family and friends to the rostrum.

The Speaker then requested that the Chief Justice administer the Oath of Office.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, addressed Mr. Kawakami and administered the Oath of Office in accordance with the provisions of the Constitution of the State of Hawaii.

The Speaker then presented to the Members of the House the newest Member of the House, Representative Derek S.K. Kawakami, and introduced his special guests who accompanied him at the rostrum:

Wife, Mrs. Monica Kawakami, and daughter, Miss Haillee Kawakami;
 Parents, Mr. Charles and Mrs. Arlene Kawakami;
 Aunt, Mrs. Gert Toma;
 Aunt and former Representative, Mrs. Bertha Kawakami, and cousin,
 Ms. Lyndall Kawakami;
 Aunt and Uncle, Mrs. Marion and Mr. Clifford Horita;
 Niece, Ms. Chanel Kawakami;
 Grand Nephew, Baby Niko Kawakami; and
 Family friend, Ms. Kaye Nakata.

The Speaker also welcomed Senators Ronald Kouchi, Malama Solomon and Donovan Dela Cruz, who were seated on the Floor of the House; and Senator Kouchi's wife, Mrs. Joy Kouchi, who was seated in the gallery.

At 12:15 o'clock p.m. the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m. with Vice Speaker Manahan presiding.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 394 through 397) were received and announced by the Clerk:

Sen. Com. No. 394, transmitting S.C.R. No. 14, SD 2, entitled: "SENATE CONCURRENT RESOLUTION DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF DEFENSE FOR THE YOUTH CHALLENGE ACADEMY, REQUESTING THE DEPARTMENT OF DEFENSE TO LOOK TO OTHER PLACES ON THE BIG ISLAND TO RELOCATE THE YOUTH CHALLENGE ACADEMY, AND URGING THE DEPARTMENT OF PUBLIC SAFETY TO REOPEN KULANI CORRECTIONAL FACILITY AT THE PRESENT SITE OF THE YOUTH CHALLENGE ACADEMY AND REHIRE THE SAME STAFF," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 395, transmitting S.C.R. No. 80, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE FEASIBILITY OF USING EXISTING TELECONFERENCING AND VIDEOCONFERENCING FACILITIES FOR UNIVERSITY OF HAWAII BOARD OF REGENTS AND BOARD OF EDUCATION MEETINGS," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 396, transmitting S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 397, transmitting S.C.R. No. 150, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM AND STRONGLY OPPOSING BUDGET CUTS PROPOSED BY THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS," which was adopted by the Senate on April 5, 2011.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1426) recommending that S.B. No. 631, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1426 on S.B. No. 631, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 631, SD 1, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1427) recommending that S.B. No. 1484, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1427 on S.B. No. 1484, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1484, SD 1, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1428) recommending that S.B. No. 1559, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1428 on S.B. No. 1559, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1559, SD 2, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1429) recommending that S.B. No. 101, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1429 on S.B. No. 101, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 101, SD 1, HD 2, were made available to the Members of the House.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1430) recommending that S.B. No. 40, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1430 on S.B. No. 40, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 40, SD 2, HD 2, were made available to the Members of the House.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1431) recommending that S.B. No. 1417, SD 1, 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 S.B. No. 1417, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

Representatives Aquino and Yamane, for the Committee on Public Safety & Military Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 1432) recommending that S.B. No. 219, SD 1, 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 Committees was adopted and S.B. No. 219, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward 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 certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward were excused.)

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1433) recommending that S.B. No. 1273, SD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1273, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

At 12:23 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1273, SD 1

THIRD READING

S.B. No. 27, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 27, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

At 12:24 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 27, SD 1

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 304) was announced by the Clerk and the following action taken:

H.R. No. 304, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was offered by Representative Say.

Representative B. Oshiro moved that H.R. No. 304 be adopted, seconded by Representative Evans and carried, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

ANNOUNCEMENTS

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of reconsidering a prior decision on S.B. No. 1270, SD 2, Relating to the Hawaii Hurricane Relief Fund, on Wednesday, April 6, today, at 6:32 p.m. in Conference Room 308, and the Chair "so ordered."

Representative Tokioka: "Thank you, Mr. Speaker. On behalf of the office staff of Representative Kawakami, Marissa and the staff, they would like to invite Members to Room 314 for light refreshments and to welcome Representative Kawakami. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
4, SD1	Committee on Health
25, SD1	Committee on Health, then to the Committee on Finance
46, SD1	Committee on Judiciary
143	Committee on Human Services, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.R.**Nos.****Re-referred to:**

149 Committee on Water, Land, & Ocean Resources

252 Committee on Economic Revitalization & Business

H.C.R.**Nos.****Re-referred to:**

172 Committee on Water, Land, & Ocean Resources

285 Committee on Economic Revitalization & Business

ADJOURNMENT

At 12:25 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, Thursday, April 7, 2011. (Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward were excused.)