

TWENTY-SECOND DAY

Tuesday, February 22, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Cabanilla, Carroll, Cullen, Har, Say 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. 28 and 29) were received and announced by the Clerk:

Sen. Com. No. 28, transmitting S.B. No. 219, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on February 18, 2011.

Sen. Com. No. 29, transmitting S.B. No. 1089, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," which passed Third Reading in the Senate on February 18, 2011.

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: (Representatives Aquino, Cabanilla, Carroll, Cullen, Har, Say and Takai were excused.)

S.B. No. 219, SD 1
S.B. No. 1089, SD 1

INTRODUCTIONS

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

Representative Ching introduced her daughter, Miss Anna Lerner. She was accompanied by Representative Ching's staff, Ms. Jocelyn Ho.

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 12:32 o'clock p.m.

LATE INTRODUCTIONS

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

Vice Speaker Manahan introduced students from Kalakaua Middle School and their teacher, Mr. Brandt Like; and chaperones, Mr. Hajiro, Mr. Volpone, Mr. Tillery, Mr. Jones, Ms. Fujii, Ms. Laforga, Mr. Powell and Ms. Loke.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House and Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Har, Say and Takai were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 420) recommending that S.B. No. 8, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 8, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in strong support for Stand. Com. Rep. No. 420. Mr. Speaker, this is the bill that will allow the Governor to appoint the Board of Education. It's an important bill. It's a long overdue bill, but it's in a bill that will have a major impact on accountability. Our Governor himself has said heretofore it's been a quadrangle firing squad. No one will take the hit because they pass it to the next one.

"This, Mr. Speaker, is going to make a real difference not only because of accountability, but I think because of the results that will come out of that. It also requires the permission of the Senate to be confirmed.

"But I have one slight doubt about how we separated the Board members from the youth members, and I know that's the prerogative of the Chair of Education, but the student member, I'm not sure why he's not included in this one. Also why the student member has a 2.0 grade point average as a prerequisite. I'm not sure that that will go over too well with the public as a way of enhancing the Board. But otherwise this is a great bill. It's an idea whose time has come, and the results from which we should expect great things. Thank you."

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

"Mr. Chair, I'm also in strong support of this and I would like to have the words of the Representative from Hawaii Kai entered as my own," and the Chair "so ordered." (By reference only.)

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

Representative Johanson's written remarks are as follows:

"I rise in support of SB 8. As a proud product of Hawaii's public schools, I am pleased to support this effort that establishes the appointment process which I believe will engender greater accountability within the Department of Education. Our public schools currently have all of the necessary ingredients to succeed: excellent teachers and outstanding students. Additionally, the State has committed significant financial resources to public education. This governance change helps to perfect the recipe for public education in the State of Hawaii. The Senate and the House Education Chairs deserve significant credit for their efforts to expedite this historic enabling legislation that I believe will not only improve education in the short-term, but also help Hawaii to achieve its fullest potential of being a world-class leader in educating our children."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 8, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 838, HD 1, as amended in HD 2, pass 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. 838, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:37 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 8, SD 1, HD 2
H.B. No. 838, HD 2

THIRD READING

H.B. No. 593, HD 1:

Representative B. Oshiro moved that H.B. No. 593, HD 1, pass Third Reading, seconded by Representative Evans.

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

"In support with a couple of comments on House Bill 593. What this bill does is it ensures that candidates for county elective office do in fact sign a document that says that they do live in the district. I just wanted to mention my support."

The motion was put to vote by the Chair and carried, and H.B. No. 593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 555, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 298, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 243, HD 1:

Representative B. Oshiro moved that H.B. No. 243, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Fontaine's written remarks are as follows:

"As a pet owner and speaking for other pet owners, I am in support of HB 243 HD1. This bill adds some important clarification to the existing statute regarding cruelty to animals. It increases protection to pet owners by prohibiting the killing of a pet belonging to another person and making it against the law. This is important because it may serve as a deterrent to prevent citizens from killing pets owned by others. This legislation will add an avenue of recourse and justice for pet owners who lose their cherished pets if someone kills them."

The motion was put to vote by the Chair and carried, and H.B. No. 243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 827, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS

COMMISSION," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:39 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

S.B. No. 1286, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:40 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 593, HD 1
H.B. No. 555, HD 1
H.B. No. 298, HD 1
H.B. No. 243, HD 1
H.B. No. 827, HD 1
S.B. No. 1286, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 47 through 55) and concurrent resolutions (H.C.R. Nos. 54 through 62) were referred to Printing and further action was deferred:

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was jointly offered by Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, Tsuji and Yamashita.

H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was jointly offered by Representatives Yamane and Morikawa.

H.R. No. 49, entitled: "HOUSE RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was jointly offered by Representatives Mizuno, Brower, Cabanilla, Hanohano, Har, Keith-Agaran, M. Lee, Manahan, McKelvey, Morikawa, Aquino, Awana, Cullen, Nakashima, Nishimoto and Tokioka.

H.R. No. 50, entitled: "HOUSE RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH-NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET, AS WELL AS UPGRADES TO A PORTION OF KALIHI STREET," was offered by Representative Mizuno.

H.R. No. 51, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DESIGNATE SEPTEMBER AS "HAWAII FIVE-0" MONTH," was jointly offered by Representatives Mizuno, Brower and Takai.

H.R. No. 52, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," was jointly offered by Representatives Mizuno and Tokioka.

H.R. No. 53, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, Keith-Agaran, M. Lee, Manahan and Pine.

H.R. No. 54, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan and Pine.

H.R. No. 55, entitled: "HOUSE RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan and Pine.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was jointly offered by Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, Tsuji and Yamashita.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was jointly offered by Representatives Yamane and Morikawa.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was jointly offered by Representatives Mizuno, Brower, Cabanilla, Fontaine, Hanohano, Har, Keith-Agaran, M. Lee, Manahan, McKelvey, Morikawa, Souki, Aquino, Awana, Cullen, Nakashima, Nishimoto and Tokioka.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH-NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET, AS WELL AS UPGRADES TO A PORTION OF KALIHI STREET," was offered by Representative Mizuno.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DESIGNATE SEPTEMBER AS "HAWAII FIVE-0" MONTH," was jointly offered by Representatives Mizuno, Brower and Takai.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," was jointly offered by Representatives Mizuno and Tokioka.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, Keith-Agaran, M. Lee, Manahan, Pine, Morikawa and Riviere.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan, Pine, Morikawa and Riviere.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan, Morikawa, Pine and Riviere.

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
21	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
196	Committee on Finance
747	Committee on Judiciary
814	Committee on Finance
815	Committee on Finance
817	Committee on Finance
1130	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1378	Committee on Finance

ADJOURNMENT

At 12:41 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 23, 2011. (Representatives Carroll, Har, Say and Takai were excused.)