

**HAWAII STATE  
HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2009**

***ROUGH DRAFT  
JOURNAL***

**TWENTY-EIGHTH DAY**

**MARCH 13, 2009**

OFFICE OF THE CHIEF CLERK



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## TWENTY-EIGHTH DAY

Friday, March 13, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all members present with the exception of Representatives Chang, McKelvey, M. Oshiro, Takai, Thielen, Ward and Wooley, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 259 through 272) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 259, dated February 27, 2009, transmitting the Report on Hawaii-Grown Coffee Labeling and Inspection, and Economic Impact of Potential Changes to Minimum Content Requirements as required by Senate Concurrent Resolution 102, 2007 Legislature.

Gov. Msg. No. 260, dated March 2, 2009, transmitting the Lead by Example FY 2007-2008 State of Hawaii Agencies' Energy Initiatives pursuant to ACT 96, Session Laws of Hawaii 2006 Part III and Act 160, Section 168.5, Session Laws of Hawaii 2006.

Gov. Msg. No. 261, dated March 4, 2009, transmitting the Governor's reports pursuant to provisions of Act 213, SLH 2007, the General Appropriations Act of 2007.

Gov. Msg. No. 262, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Act 52, Section 4, Session Laws of Hawaii, 2008, Relating to a Report to the Legislature on the Expenditure of All Funds for the Comprehensive Breast and Cervical Cancer Control Program.

Gov. Msg. No. 263, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to H.B. 500, Part III, Section 49, Session Laws of Hawaii, 2007, Requiring the Department of Health to Support the Expansion and Integration of the Security Enhancements at Hawaii State Hospital and that the Program Prepare a Detailed Report of All Its Expenditures.

Gov. Msg. No. 264, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 321-195, Hawaii Revised Statutes, Requiring a Report on Implementation of the State Plan for Substance Abuse; Section 329-3, Hawaii Revised Statutes, Requiring a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances; Section 10 of Act 161, Session Laws of Hawaii, 2002, Requiring a Status Report on the Coordination of Offender Substance Abuse Treatment Programs; and Section 29 of Act 40, Session Laws of Hawaii, 2004, Requiring a Progress Report on the Substance Abuse Treatment Monitoring Program.

Gov. Msg. No. 265, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 321-176, Hawaii Revised Statutes, Biennial Review of Progress Made in 2007-2008 on the Child and Adolescent Mental Health Division's Four-year Strategic Plan.

Gov. Msg. No. 266, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Chapter 333F, Section 6, Hawaii Revised Statutes, Regarding Services for Persons with Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals Who Are Eligible for Services and Supports, but for Whom Services and Supports

Have Not Been Provided, and the Reasons for the Lack of Services and Supports.

Gov. Msg. No. 267, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Act 213 (2007), Section 39, A Bill Relating to the State Budget Requiring the Department of Health to Prepare a Report on the Subsidizing of Residents Living in Apartments and Developmental Disabilities Domiciliary Homes for Individuals.

Gov. Msg. No. 268, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Act 213, Section 48, Session Laws of Hawaii, 207, As Amended by Act 158, Section 48, Session Laws of Hawaii, 2008, Requiring the Department of Health to Submit a Report on the Adult Mental Health Division's Purchase of Service Contracts.

Gov. Msg. No. 269, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 334-15, Hawaii Revised Statutes, Requiring the Department of Health to Submit An Annual Report on the Mental Health and Substance Abuse Special Fund.

Gov. Msg. No. 270, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 334-10 (E), Hawaii Revised Statutes, Requiring the State Council on Mental Health to Submit an Annual Report to the Governor and the Legislature on Implementation of the State Plan.

Gov. Msg. No. 271, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Act 100, Section 334, Session Laws of Hawaii, 2008, Requiring the Department of Health to Submit An Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital.

Gov. Msg. No. 272, dated March 12, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 321-291, Hawaii Revised Statutes, Requiring the Department of Health to Give an Annual Financial Report for the Newborn Metabolic Screening Special Fund.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 411 through 413) was received and announced by the Clerk:

Sen. Com. No. 411, transmitting S.B. No. 698, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL MOTOR VEHICLE AND TOUR VEHICLE SURCHARGE TAX," which passed Third Reading in the Senate on March 12, 2009.

Sen. Com. No. 412, transmitting S.B. No. 1346, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 12, 2009.

Sen. Com. No. 413, transmitting S.B. No. 1678, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 12, 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: (Representatives Chang, McKelvey, M. Oshiro, Takai, Thielen, Ward and Wooley were excused.)

S.B. No. 698, SD 3  
S.B. No. 1346, SD 2  
S.B. No. 1678, SD 3

## INTRODUCTIONS

ROUGH DRAFT

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

Representative Manahan introduced 8th grade students from Kalakaua Middle School, who were accompanied by Mr. Peter Tovey, Vice Principal; and teachers, Mr. Blaine Kashiwaeda, Ms. Caitlin Ross, Ms. Cindy Watanabe, Ms. Anna Harstad, Ms. Karin Rombang, Mr. Joseph Passantino, Ms. Sheri Livingston and Ms. Debbie Ziemke.

Representative Ito also welcomed students from Kalakaua Middle School, his alma mater.

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
88	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
89	Jointly to the Committee on Public Safety and the Committee on Health
90	Committee on Public Safety, then to the Committee on Judiciary
91	Committee on Agriculture, then to the Committee on Finance
92	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
93	Committee on Energy & Environmental Protection
94	Committee on Education, then to the Committee on Finance
95	Committee on Consumer Protection & Commerce
96	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
97	Committee on Health, then jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs
98	Committee on Health, then to the Committee on Judiciary

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
109	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
110	Jointly to the Committee on Public Safety and the Committee on Health
111	Committee on Public Safety, then to the Committee on Judiciary
112	Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Judiciary
113	Committee on Agriculture, then to the Committee on Finance

114	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
115	Committee on Energy & Environmental Protection
116	Committee on Water, Land, & Ocean Resources
117	Committee on Education, then to the Committee on Finance
118	Committee on Consumer Protection & Commerce
119	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
120	Committee on Health, then jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs
121	Committee on Health, then to the Committee on Judiciary

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
698, SD3	Committee on Transportation, then to the Committee on Finance
1346, SD2	Committee on Finance
1678, SD3	Committee on Finance

#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATION)

The following resolution (H.R. No. 99) was announced by the Clerk and the following action taken:

H.R. No. 99, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING VALISA SAUNDERS, MN, APRN, BC, GNP, THE AMERICAN GERIATRICS SOCIETY "CLINICIAN OF THE YEAR", " was jointly offered by Representatives M. Lee, Hanohano, Karamatsu, Thielen, Yamane and Herkes.

Representative M. Lee moved that H.R. No. 99 be adopted, seconded by Representative Yamane.

Representative M. Lee introduced Ms. Valisa Saunders who was seated on the floor of the House and commended her for being named Clinician of the Year by the American Geriatrics Society.

Accompanying Ms. Saunders on the floor of the House were:

Mr. Ward Saunders, her husband;  
Dr. Kavita Sharma, Clinical Assistant Professor of Geriatric Medicine and Director of Geriatrics at Kaiser Permanente; and  
Ms. Barbara Matthews, Director of the University of Hawaii Center for Nursing.

Representative M. Lee also introduced friends and supporters seated in the gallery:

Ms. Lenora Lorenzo, Hawaii State Representative-American Academy of Nurse Practitioners;  
Mr. Wailua Brandman, President of the Hawaii Association of Professional Nurses;  
Ms. Cynthia Stuhmiller, APRN; UH Professor of Social Work; MedQuest Div. Health Consultant;  
Mr. Joseph Giovannoni, APRN;  
Ms. Amy Stone Murai, APRN;  
Ms. Kathleen Yokouchi, Executive Officer of the Board of Nursing;

Ms. Sandra Steele, a graduate student in the University of Hawaii nursing program;  
 Mr. Frank Richardson and Ms. Phyllis Dendle, Kaiser Permanente Hawaii;  
 Ms. Barbara German, RN MPH, Certified Occupational Health Nurse; and  
 Ms. Suzann Filleul, Regional Nurse Executive for Kaiser.

Representative Yamane further congratulated Ms. Saunders and recognized the contributions of the APRNs in providing geriatric care.

Representative Cabanilla then commended Ms. Saunders for being a role model to nurses and caregivers.

The motion was put to vote by the Chair and carried, and H.R. No. 99 was adopted with Representatives Berg, Chang, Ito, Luke, McKelvey, M. Oshiro, Saiki, Takai, Thielen and Wooley being excused.

The following resolution (H.R. No. 100) was announced by the Clerk and the following action taken:

H.R. No. 100, entitled: "HOUSE RESOLUTION HONORING JUNIOR ACHIEVEMENT OF HAWAII, INC. AND THE 2009 HAWAII BUSINESS HALL OF FAME INDUCTEES," was jointly offered by Representatives Marumoto, Belatti, Chang, Ching, Chong, Evans, Karamatsu, Magaoay, Manahan, Mizuno, B. Oshiro, Say, Shimabukuro, Souki, Tsuji, Aquino, Cabanilla, Ito, M. Lee, Nakashima, M. Oshiro, Pine, Sagum, Takumi and Wooley.

Representative Marumoto moved that H.R. No. 100 be adopted, seconded by Representative Evans.

Representative Marumoto recognized the Junior Achievement of Hawaii, Inc. and their work in inspiring and educating young people on business and free enterprise.

Representative Evans then introduced the Junior Achievement of Hawaii 2009 Business Hall of Fame Inductees who were seated on the floor of the House:

Mr. Monty Richards of family-owned Kahua Ranch on the Big Island, businessman, innovator and community leader;

Ms. Susanna F. Cheung, founder of Opportunities for the Retarded, Inc., and Helemano Plantation; and

Mr. Dean Okimoto, owner of Nalo Farms, and current President of the Hawaii Farm Bureau Federation.

Representative Marumoto then introduced and recognized friends and family seated in the gallery:

With Mr. Richards was his daughter, Ms. Pam Ketchum; and sons Mr. Tim Richards and Mr. John Richards who were not in attendance.

With Ms. Cheung were her husband, Mr. Ho-Ming Cheung; sisters Ms. Nancy Tsang and Ms. Vivian Kwei; sister-in-law, Ms. Peggy Fok; and Ms. Ann Higa, Chief Operations Officer and other clients and staff of Helemano Plantation.

The motion was put to vote by the Chair and carried, and H.R. No. 100 was adopted with Representatives Berg, Chang, Luke, Manahan, McKelvey, M. Oshiro, Saiki, Takai, Thielen and Wooley being excused.

At 12:33 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m., with Vice Speaker Magaoay presiding.

At this time, the Chair stated:

"Members, we are on page 2 of the Order of the Day, Reports of Standing Committees. Members, please note the 48-hour notice for Standing Committee Report Nos. 985 and 986."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 985) recommending that H.B. No. 900, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 985 on H.B. No. 900, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 900, HD 2, were made available to the members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 986) recommending that H.B. No. 300, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 986 on H.B. No. 300, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 300, HD 1, were made available to the members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 987) recommending that H.B. No. 200, 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. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg, Chang, Finnegan, M. Lee, Luke, Manahan, McKelvey, Saiki, Souki, Takai, Thielen, Tokioka and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 988) recommending that S.B. No. 62, SD 1, as amended in HD 1, 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. 62, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Berg, Chang, Finnegan, M. Lee, Luke, Manahan, McKelvey, Saiki, Souki, Takai, Thielen, Tokioka and Wooley being excused.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 93 through 98) and concurrent resolutions (H.C.R. Nos. 115 through 121) were referred to Printing and further action was deferred:

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THAT MOTOR VEHICLE OWNERS DISABLE AUDIBLE MOTOR VEHICLE ALARM SYSTEMS," was offered by Representative Rhoads.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO PROVIDE ALTERNATIVE LIBRARY SERVICES FOR THE RESIDENTS OF WAIKOLOA AND DETERMINE THE FEASIBILITY OF ESTABLISHING A NEW PUBLIC LIBRARY IN WAIKOLOA," was offered by Representative Evans.

#### STANDING COMMITTEE REPORTS

ROUGH DRAFT

## ADJOURNMENT

H.R. No. 95, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT LEGISLATION ESTABLISHING A FEDERAL USURY RATE," was jointly offered by Representatives Aquino, M. Lee, Manahan, McKelvey, Yamane, Herkes and Rhoads.

H.R. No. 96, entitled: "HOUSE RESOLUTION URGING THE MANAGEMENT OF HAWAIIAN AIRLINES AND THE AIR LINE PILOTS ASSOCIATION TO SWIFTLY NEGOTIATE A FAIR AND REASONABLE NEW LABOR CONTRACT," was offered by Representative Takumi.

H.R. No. 97, entitled: "HOUSE RESOLUTION URGING THE MEMBERS OF THE LEGISLATURE AND THE HAWAII BUSINESS COMMUNITY TO SUPPORT THE ESTABLISHMENT OF PAID FAMILY LEAVE IN HAWAII," was jointly offered by Representatives M. Lee, Karamatsu, Mizuno, Morita, B. Oshiro, Rhoads and Shimabukuro.

H.R. No. 98, entitled: "HOUSE RESOLUTION URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE," was jointly offered by Representatives M. Lee, Karamatsu, Marumoto, Morita, Nishimoto, B. Oshiro, Sagum, Shimabukuro and Thielen.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT MOTOR VEHICLE OWNERS DISABLE AUDIBLE MOTOR VEHICLE ALARM SYSTEMS," was offered by Representative Rhoads.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUAI TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," was jointly offered by Representatives Sagum, Carroll, Chang, Morita and Tokioka.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO PROVIDE ALTERNATIVE LIBRARY SERVICES FOR THE RESIDENTS OF WAIKOLOA AND DETERMINE THE FEASIBILITY OF ESTABLISHING A NEW PUBLIC LIBRARY IN WAIKOLOA," was offered by Representative Evans.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT LEGISLATION ESTABLISHING A FEDERAL USURY RATE," was jointly offered by Representatives Aquino, M. Lee, Manahan, McKelvey, Yamane, Herkes and Rhoads.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MANAGEMENT OF HAWAIIAN AIRLINES AND THE AIR LINE PILOTS ASSOCIATION TO SWIFTLY NEGOTIATE A FAIR AND REASONABLE NEW LABOR CONTRACT," was offered by Representative Takumi.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MEMBERS OF THE LEGISLATURE AND THE HAWAII BUSINESS COMMUNITY TO SUPPORT THE ESTABLISHMENT OF PAID FAMILY LEAVE IN HAWAII," was jointly offered by Representatives M. Lee, Karamatsu, Mizuno, Morita, B. Oshiro, Rhoads and Shimabukuro.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL ASSAULT OR RAPE," was jointly offered by Representatives M. Lee, Karamatsu, Marumoto, Morita, Nishimoto, B. Oshiro, Sagum, Shimabukuro and Thielen.

At 12:43 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 Monday, March 16, 2009. (Representatives Berg, Chang, Finnegan, Luke, Manahan, McKelvey, Saiki, Souki, Takai, Thielen, Tokioka and Wooley were excused.)