

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2009

***ROUGH DRAFT
JOURNAL***

FORTY-SECOND DAY

APRIL 6, 2009

OFFICE OF THE CHIEF CLERK

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FORTY-SECOND DAY

Monday, April 6, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Ms. Tina Tap and Mr. Mike Hudgins of Celtic Pipes and Drums of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Takai and Ward, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 436 through 452) were received and announced by the Clerk:

Sen. Com. No. 436, transmitting H.B. No. 1186, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," which passed Third Reading in the Senate on April 3, 2009.

Sen. Com. No. 437, transmitting S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO CONSIDER RAISING THE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 438, transmitting S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO RAISE MEDICARE FEE SCHEDULE PAYMENT AMOUNTS FOR PHYSICIANS RENDERING SERVICES IN HAWAII," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 439, transmitting S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE ANE KEOHOKALOHE HIGHWAY EXTENSION, MID-LEVEL ROAD, IN THE COUNTY OF HAWAII," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 440, transmitting S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 441, transmitting S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION URGING NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS TO ESTABLISH SAFETY PROCEDURES FOR ROADSIDE SOLICITATION OF FUNDS AND DONATED GOODS," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 442, transmitting S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS, TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 443, transmitting S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT

OF EDUCATION TO DEVELOP AN INVENTORY OF ALL TEXTBOOKS FOR ALL PUBLIC SCHOOLS," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 444, transmitting S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ESTABLISH A TRANSIT ORIENTED DEVELOPMENT TASK FORCE TO FACILITATE MIXED-INCOME AND AFFORDABLE HOUSING IN TRANSIT ORIENTED DEVELOPMENTS BY BETTER COORDINATING TRANSPORTATION AND HOUSING PLANNING AND PROGRAMS," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 445, transmitting S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 446, transmitting S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF BICYCLING," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 447, transmitting S.C.R. No. 127, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 448, transmitting S.C.R. No. 146, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII P-20 PARTNERSHIPS FOR EDUCATION TO CONVENE THE APPROPRIATE AGENCIES TO EXAMINE CURRENT AND EMERGING PROGRAMS SEEKING TO TRACK STUDENT PROGRESS AND DEVELOP A LONGITUDINAL DATA SYSTEM FOR STUDENTS BEGINNING IN EARLY CHILDHOOD PROGRAMS TO GRADE TWELVE, AND BEYOND TO HIGHER EDUCATION AND THE WORKFORCE," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 449, transmitting S.C.R. No. 149, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTS THE BOARD OF EDUCATION TO MODIFY PUBLIC HIGH SCHOOL GRADUATION REQUIREMENTS BY REQUIRING FIFTY HOURS OF COMMUNITY SERVICE FROM ALL STUDENTS AS PART OF THE DEPARTMENT OF EDUCATION'S CIVIC RESPONSIBILITY REQUIREMENT," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 450, transmitting S.C.R. No. 150, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 451, transmitting H.C.R. No. 5, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII," which was adopted by the Senate on April 3, 2009.

Sen. Com. No. 452, transmitting H.C.R. No. 39, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE MONTH OF MAY AS "FOSTER CARE AWARENESS MONTH", A TIME TO EDUCATE THE PUBLIC ABOUT THE VARIOUS COMPONENTS OF FOSTER CARE, INCLUDING FOSTER PARENTS, CHILDREN, AND FAMILIES," which was adopted by the Senate on April 3, 2009.

INTRODUCTION

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

Representative Mizuno introduced Mr. Cliff Sawyer, Executive Director of Soka Gakkai International USA; Ms. Diane Landsberg, Executive Director of Non-Violence Project USA; and Mr. Daniel Hall, National Coordinator of the Victory Over Violence Initiative.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
17	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
88	Committee on Health, then to the Committee on Consumer Protection & Commerce

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
13	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
97	Committee on Health, then to the Committee on Consumer Protection & Commerce
109	Committee on Health, then to the Committee on Consumer Protection & Commerce
128	Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 301) was announced by the Clerk and the following action taken:

H.R. No. 301, entitled: "HOUSE RESOLUTION HONORING THE SISTERS OF THE SACRED HEARTS ON THE OCCASION OF THEIR SESQUICENTENNIAL ANNIVERSARY," was jointly offered by Representatives Nishimoto and Marumoto.

Representative Nishimoto moved that H.R. No. 301 be adopted, seconded by Representative Marumoto.

Representative Nishimoto recognized the contributions of the Sisters of the Sacred Hearts, and congratulated them on the 150th Anniversary of their arrival in Hawaii.

Representative Nishimoto also recognized the 100th Anniversary of both the St. Anthony Retreat and Conference Center formerly known as the Kalihi Orphanage and St. Anthony's Home; and the Sacred Hearts Academy.

Representative Marumoto then introduced honorees seated on the floor of the House:

Sister Helen Wood, Provincial of the Sisters of the Sacred Hearts Pacific Province;
Sister Regina Mary Jenkins, Vice Provincial;
Sister Anne Claire DeCosta, Counselor;
Sister Irene Barboza, Counselor; and

Sister Rose Kathleen Lenchanko, Administrator, St. Anthony Retreat Center.

Representative Marumoto also introduced Sisters of the Sacred Hearts who were seated in the gallery:

Sister Julie Louise Thevenin;
Sister Lucia Iwata;
Sister Mary Dolorine Pires;
Sister Ivy Yim;
Sister Jessie Kai;
Sister Marie Christine Plateros;
Sister Heman Julia Aki;
Sister Grace Marie Tom;
Sister Jane Francis Leandro;
Sister Mary Josephine Araki;
Sister Anne-Marie Tamanaha;
Sister Dolores Marie Pavao;
Sister Dorothy Santos;
Sister Jeanne Cordeiro;
Sister Marie Therese Hickey; and
Sister Cecile Marie Duarte.

Representative Awana expressed her gratitude and aloha to the Sisters of the Sacred Hearts as an alumni of the Convent Campus.

The motion was put to vote by the Chair and carried, and H.R. No. 301 was adopted with Representative Takai being excused.

The following resolution (H.R. No. 302) was announced by the Clerk and the following action taken:

H.R. No. 302, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING PAKAKOLEA HAWAIIAN HOMESTEAD UPON ITS 75TH ANNIVERSARY CELEBRATION," was jointly offered by Representatives Belatti, Awana, Berg, Brower, Carroll, Hanohano, C. Lee, Luke, Morita, and M. Oshiro.

Representative Belatti moved that H.R. No. 302 be adopted, seconded by Representative Luke.

Representative Belatti congratulated and honored the Papakolea Hawaiian Homestead on its 75th Anniversary, and introduced the honorees seated on the floor of the House:

Mr. Lionel Wright, President of the Pakakolea Community Association;
Ms. Annie AuHoon, President of the Kewalo Hawaiian Homestead Community;
Ms. Denise Ka'a'a, President of the Kalawahine Streamside Association;
Ms. Aloha Kaikaina, Director of the Kula no na Po'e Hawaii;
Mr. Harold Johnston, President of the Papakolea Community Development Corporation; and
Uncle Bob Freitas, long-time Papakolea resident and kupuna.

Representative Luke then introduced friends, family and community supporters seated in the gallery:

Ms. Emma Wright, Ms. Puni Kekauoha, Ms. Adrienne Dillard, Mr. Richard Soo, Ms. Kaapuni Asaivao, Mr. Kana'i Contemplo, Mr. Dirk Soma and Mr. Stephen and Mrs. Arlette Aki.

Representative Luke also introduced members of the Office of Hawaiian Affairs:

Chairperson, Ms. Haunani Apoliona; and Trustees, Mr. Robert Lindsey, Mr. Oswald Stender and Mr. Boyd Mossman; and staffmember, Mr. Kama Hopkins.

The motion was put to vote by the Chair and carried, and H.R. No. 302 was adopted with Representative Takai 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 12:57 o'clock p.m., with Vice Speaker Magaoy presiding.

At this time the Chair announced:

"Members, please note that H.C.R. No. 60 has been rereferred solely to the Committee on Water, Land, & Ocean Resources per Committee Referral Sheet No. 47. The Committee on Higher Education waived its referral to this measure and therefore it is appropriate for the House to consider action for adoption."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, to rules were suspended to reconsider action previously taken on H.C.R. No. 60. (Representatives Belatti, Luke 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. 1375, recommending referral to the Committee on Higher Education, seconded by Representative Evans and carried. (Representatives Belatti, Luke and Takai were excused.)

UNFINISHED BUSINESS

H.C.R. No. 60:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA, COLLEGE OF SOCIAL SCIENCES, PUBLIC POLICY CENTER AND SPARK M. MATSUNAGA INSTITUTE FOR PEACE AND CONFLICT RESOLUTION TO CONVENE A WORKING GROUP TO EXPLORE THE SAFE USE OF HUNTING DOGS ON PUBLIC HIKING TRAILS," was adopted, with Representatives Belatti, Luke and Takai 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 Belatti, Luke and Takai were excused.)

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1425) recommending that S.B. No. 203, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 203, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I get a ruling on a potential conflict, please? At my law firm, I represent contractors. Thank you," and the Chair ruled, "no conflict."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"A potential conflict, Mr. Speaker. I have contractors in my family," 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.B. No. 203, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 48 ayes, with Representatives Belatti, Luke and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1426) recommending that S.B. No. 848, as amended in HD 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. 848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO METAL," passed Third Reading by a vote of 48 ayes, with Representatives Belatti, Luke and Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1427) recommending that S.B. No. 1195, SD 1, 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 S.B. No. 1195, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," passed Third Reading by a vote of 48 ayes, with Representatives Belatti, Luke and Takai being excused.

At 1:01 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 203, SD 2, HD 1
S.B. No. 848, HD 1
S.B. No. 1195, SD 1, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1456) recommending that S.B. No. 1677, SD 1, HD 1, as amended in HD 2, pass Third Reading.

The Chair then announced:

"Members, please note that this measure will be deferred for one legislative day."

By unanimous consent, action on Stand. Com. Rep. No. 1456 and S.B. No. 1677, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was deferred one legislative day.

STANDING COMMITTEE REPORTS

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1457), recommending that H.R. No. 254, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1458), recommending that H.C.R. No. 282, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 254, HD 1, and H.C.R. No. 282, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 254, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INCREASE THE MINIMUM RENT SCHEDULE," was referred to the Committee on Finance, with Representative Takai being excused; and

H.C.R. No. 282, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INCREASE THE MINIMUM RENT SCHEDULE," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1459), recommending that H.R. No. 255, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1460), recommending that H.C.R. No. 283, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 255, HD 1, and H.C.R. No. 283, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 255, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INSTITUTE A FIVE YEAR MAXIMUM STAY FOR PUBLIC HOUSING," was referred to the Committee on Finance, with Representative Takai being excused; and

H.C.R. No. 283, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO INSTITUTE A FIVE YEAR MAXIMUM STAY FOR PUBLIC HOUSING," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1461), recommending that H.R. No. 101, 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 H.R. No. 101, entitled: "HOUSE RESOLUTION ACKNOWLEDGING THE UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES HISTORIC COSTUME COLLECTION AS A STATE TREASURE OF NATIONAL IMPORTANCE AND ENCOURAGING THE ESTABLISHMENT OF A MUSEUM FOR ITS PRESERVATION," was referred to the Committee on Higher Education, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1462), recommending that H.C.R. No. 122, 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 H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION ACKNOWLEDGING THE UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES HISTORIC COSTUME COLLECTION AS A STATE TREASURE OF NATIONAL IMPORTANCE AND ENCOURAGING THE ESTABLISHMENT OF A MUSEUM FOR ITS PRESERVATION," was referred to the Committee on Higher Education, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 1463), recommending that H.R. No. 126, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1464), recommending that H.C.R. No. 158, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 126, and H.C.R. No. 158, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ward's written remarks are as follows:

"Mr. Speaker, thank you for the opportunity to offer my support for HCR 158/HR126, which will strongly urge the United States Congress and the Department of Interior to provide additional federal aid to migrants from the Compact of Free Association nations. It should be noted that migrants from the Compact of Free Association nations are currently proportionally over-represented in the population of persons who receive various State social services in Hawaii. It has been estimated that social, educational and health services for Micronesians in Hawaii cost the State approximately \$90 million, but only about \$10 million of this is presently reimbursed by the federal government. In order to more adequately provide funding for these migrants, I support HR 126 and HCR 158 which urges the passing of federal legislation to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow the Compact of Free Association migrants to once again receive federally funded financial and medical assistance.

"It is my belief that the passing of federal legislation to provide federal funded social services and medical services for these migrants provides a more equitable and stable distribution of the financial responsibility for social services provided in the State of Hawaii. Thank you for this opportunity to offer my support for this measure."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 126, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Finance, with Representative Takai being excused; and

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1465),

recommending that H.R. No. 150, 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 H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO INVENTORY AND REPORT TO THE LEGISLATURE OF THE VALUE OF ALL STATE-OWNED ARTWORK ON DISPLAY AND IN STORAGE," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1466), recommending that H.C.R. No. 186, 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 H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO INVENTORY AND REPORT TO THE LEGISLATURE OF THE VALUE OF ALL STATE-OWNED ARTWORK ON DISPLAY AND IN STORAGE," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1467), recommending that H.R. No. 194, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 194, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO REVIEW THE SYSTEM AND PROCEDURES FOR THE REVIEW OF NATIVE HAWAIIAN BURIAL SITES," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1468), recommending that H.C.R. No. 226, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO REVIEW THE SYSTEM AND PROCEDURES FOR THE REVIEW OF NATIVE HAWAIIAN BURIAL SITES," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Takai being excused.

Representatives Carroll and Mizuno, for the Committee on Hawaiian Affairs and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1469), recommending that H.R. No. 27, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 27, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT, AMEND, OR REPEAL RULES IN ORDER TO RECOGNIZE AND RESPECT THE HAWAIIAN SYSTEM OF HANAI DURING THE LICENSING OF FOSTER PARENTS," was referred to the Committee on Judiciary, with Representative Takai being excused.

Representatives Carroll and Mizuno, for the Committee on Hawaiian Affairs and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1470), recommending that H.C.R. No. 25, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 25, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT, AMEND, OR REPEAL RULES IN ORDER TO RECOGNIZE AND RESPECT THE HAWAIIAN SYSTEM OF HANAI DURING THE LICENSING OF FOSTER PARENTS," was referred to the Committee on Judiciary, with Representative Takai being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1471), recommending that H.C.R. No. 28, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 28, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CARE GIVEN TO AREAS OF STATE PARKS THAT CONTAIN HEIAU AND OTHER SACRED SITES, AND A PLAN TO SOLVE CARETAKING PROBLEMS BY EXPANDING AND AUGMENTING COMMUNITY-BASED CARETAKING AND EDUCATIONAL PROGRAMS," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1472), recommending that H.C.R. No. 243, as amended in HD 1, be referred to the Committee on Public Safety.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 243, HD 1, be referred to the Committee on Public Safety, seconded by Representative Evans.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.C.R. No. 243, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ACCEPTING THE GIFT OF THE NON-VIOLENCE SCULPTURE FROM SOKA GAKKAI INTERNATIONAL – USA," was referred to the Committee on Public Safety, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1473), recommending that H.R. No. 214, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 214, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A TASK FORCE TO DEVELOP A POLICY AGAINST TEEN DATING VIOLENCE AND ABUSE," was referred to the Committee on Education, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1474), recommending that H.C.R. No. 246, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 246, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A TASK FORCE TO DEVELOP A POLICY AGAINST TEEN DATING VIOLENCE AND ABUSE," was referred to the Committee on Education, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1475), recommending that H.R. No. 198, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No.

198, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO ADOPT MEASURES THAT PROVIDE REAL PROPERTY TAX RELIEF FOR OWNERS OF KULEANA LANDS," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1476), recommending that H.C.R. No. 229, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO ADOPT MEASURES THAT PROVIDE REAL PROPERTY TAX RELIEF FOR OWNERS OF KULEANA LANDS," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1477), recommending that H.R. No. 147, as amended in HD 1, be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REFRAIN FROM SELLING OR EXCHANGING LANDS IN THE PUBLIC LAND TRUST," was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1478), recommending that H.C.R. No. 183, as amended in HD 1, be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 183, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REFRAIN FROM SELLING OR EXCHANGING LANDS IN THE PUBLIC LAND TRUST," was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1479), recommending that H.R. No. 241, as amended in HD 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 H.R. No. 241, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE TO REQUEST AND PROVIDE FOR SUFFICIENT FUNDING FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1480), recommending that H.C.R. No. 271, as amended in HD 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 H.C.R. No. 271, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE TO REQUEST AND PROVIDE FOR SUFFICIENT FUNDING FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1481) recommending that H.R. No. 44, be adopted; and

(Stand. Com. Rep. No. 1482) recommending that H.C.R. No. 56, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 44, and H.C.R. No. 56, be adopted, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was adopted, with Representative Takai being excused; and

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1483) recommending that H.R. No. 250, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 250, entitled: "HOUSE RESOLUTION REQUESTING THE MAYOR OF EACH COUNTY TO SUBMIT AN ARTWORK TO BE DISPLAYED AT THE STATE CAPITOL IN CELEBRATION OF THE 50TH ANNIVERSARY OF STATEHOOD," was adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1484) recommending that H.R. No. 45, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 45, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS MILLENNIUM DEVELOPMENT GOALS," was adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1485) recommending that H.C.R. No. 57, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS MILLENNIUM

DEVELOPMENT GOALS," was adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1486) recommending that H.R. No. 46, HD 1, as amended in HD 2, be adopted.

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 2, 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 adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1487) recommending that H.C.R. No. 58, HD 1, as amended in HD 2, be adopted.

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 2, 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 adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1488) recommending that H.R. No. 192, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 192, HD 1, entitled: "HOUSE RESOLUTION DECLARING APRIL 24 AS A DAY OF REMEMBRANCE IN RECOGNITION AND COMMEMORATION OF THE ARMENIAN GENOCIDE OF 1915," was adopted, with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1489) recommending that H.C.R. No. 224, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 224, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING APRIL 24 AS A DAY OF REMEMBRANCE IN RECOGNITION AND COMMEMORATION OF THE ARMENIAN GENOCIDE OF 1915," was adopted, with Representative Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1490) recommending that S.B. No. 940, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 940, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Testimony strongly opposing this measure was submitted by the Department of Commerce and Consumer Affairs and the Department of Human Services. They clearly outline the concerns that I have regarding SB 940 SD1 HD1. There are warnings that the bill, "...is disadvantageous to the establishment of any new health plans, including existing health care organizations that are interested in offering a plan in a different program.

The result is decreased competition. Competition has been demonstrated to increase quality, which benefits clients, and increase value, which benefits taxpayers. This bill places special interests above those of vulnerable clients and Hawaii tax payers." This is of great concern to me. This could easily spell further difficulty for people here in Hawaii who already face enormous challenges in regard to healthcare.

"The Department of Human Services further warns that, "In our most recent experience with QExA, hospitals were not willing to execute a contract until 11 months after the health plans were awarded the contract from the State. Had this bill been in effect, the QExA program would not have been able to be implemented and have further caused our most vulnerable low-income population to continue to fall through the cracks of a fragmented fee-for-service program." I believe that we should make accurate assessments that particularly ensure that the most vulnerable of our communities are not placed under greater stress or laden with heavier burdens. In this light I have reservations about the passing of this measure."

Representative Ching 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 Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand with reservations to S.B. 940 – which Requires direct payment for the provision of pre-hospital ambulance treatment and transport services. The measure requires insurance entities contracting with the State to provide Medicaid coverage to enter into written contracts with a minimum of 50 percent of hospitals and providers in their coverage area.

"I have concerns that this bill might cause the State to take on new costs and that the State would end up involved in private sector negotiations. The Department of Human Services states in their testimony, "Part II of this bill would result in State interference in private sector negotiations and decrease healthy competition resulting in decreased quality of care for clients and decreased value to Hawaii tax payers." 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. 940, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1491) recommending that S.B. No. 58, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 58, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

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

"With reservations, Mr. Speaker. In testimony, the State Insurance Commissioner said that this measure will increase the number of uninsured drivers.

"I am with reservations only because it's a work in progress, and I was assured by the Transportation Committee Chair that it only takes effect in 2050, so we've got a little while to work on it. But, it seems to me that any measure we pass out of here, one of its goals should be to decrease the number of uninsured drivers, not increase it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 58, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

At 1:07 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 940, SD 1, HD 1
S.B. No. 58, SD 2, HD 1

The Chair then announced:

"Members, please note the 48-hour notice for Stand. Com. Rep. No. 1492."

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1492) recommending that S.B. No. 113, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1492 on S.B. No. 113, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 113, HD 1, were made available to the members of the House.

ANNOUNCEMENTS

Representative M. Lee: "Thank you, Mr. Speaker. This is another reminder about the Annual Easter Basket Project, and to remind you that IHS will be here to pick up the baskets on Thursday, April 9th, 2009, at 1:30 p.m. That will be at the turnaround area of the Chamber level of the State Capitol.

"If you cannot be there for their arrival, you can drop off the baskets at my office, Room 434; Rep. Belatti's office in Room 331; Rep. Har's office in Room 438; or Senator Suzanne Chun Oakland's office in Room 226. And we thank you in advance for your generosity and participating in the project. Thank you."

Representative Karamatsu, for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 1183, SD 2, HD 1, Relating to Discriminatory Practices, to be heard on Tuesday, April 7th at 2:00 p.m. in room 325, and the Chair "so ordered."

Representative Luke: "Thank you, Mr. Speaker. We would like to invite the Members of the Legislature and their staff to join the residents of Papakolea for a luncheon in Room 329. Thank you."

ADJOURNMENT

At 1:09 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, Tuesday, April 7, 2009. (Representative Takai was excused.)